DEC 2017
FILED
COURT OF THE JUDICIARY

IN THE ALABAMA COURT OF THE JUDICIARY

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

AMENDED COMPLAINT

1. The Judicial Inquiry Commission of the State of Alabama ("the Commission") files this Amended Complaint against Judge Anita Kelly ("Judge Kelly"), Circuit Judge in the 15th Judicial Circuit. The Commission alleges and charges as follows:

I. Introduction

2. In 2004, Judge Kelly took office as a family court judge in Montgomery County, 15th Judicial Circuit, Alabama and continues to serve in that capacity. She regularly presides over domestic and juvenile cases, including, but not limited to divorce, child custody, child support, adoption, dependency, and termination of parental rights ("TPR").

3. Judge Kelly was appointed Presiding Judge of the Montgomery County Family Court in 2014 and removed in early

2016 at the direction of then-Presiding Judge of the Montgomery County Circuit Court Judge Eugene Reese .

4. This complaint arises from Judge Kelly's repeated violations of the Alabama Canons of Judicial Ethics by her pattern and practice of unreasonable and unjustifiable delay in handling her docket in Family Court. More specifically, in family-court cases filed and/or disposed of since at least 2012, and in her capacity as Family Court presiding judge, Judge Kelly has:

a. Failed to manage court business in a timely manner:

1. By her unreasonable delays in ruling on standard motions;
2. By her unreasonable delays in issuing orders;
3. By regularly continuing dockets;
4. By her failure or refusal to meet statutory time requirements in numerous cases;
5. By her unreasonable delays in setting timely hearings;
6. By her unreasonable delays in resetting continued trial settings; and

7. By her unreasonable delays in ratifying referee recommendations;

b. Failed to manage court business in an efficient manner:

1. By her failure or refusal to establish an effective system of review of pending matters to expeditiously move cases through the court;
2. By her failure or refusal to allot sufficient time in her dockets to complete scheduled matters;
3. By her refusal or inability to promptly conclude matters on her docket; and
4. By her failure or refusal to implement a wide range of recommendations for improvement from the National Council of Juvenile and Family Court Judges ("NCJFCJ").

5. Judge Kelly's pattern and practice of unreasonable and unjustifiable delays, more specifically set out below, violate Canons 1, 2, 2A, 2B, 3, 3A(1), 3A(5), 3B(1), and 3B(2) of the Alabama Canons of Judicial Ethics.

II. Delays in Juvenile Court

A. Dependency Cases, Including Termination-of-Parental Rights Cases

6. Judge Kelly's unreasonable-and-unjustifiable-delay issues permeate all areas of Montgomery County Family Court, but the harms inflicted by her pattern and practice of delay are particularly telling and egregious in the juvenile-dependency context. Her actions violate and manifest a callous indifference or lack of comprehension of the following principles enunciated by Alabama Supreme Court Justice Mike Bolin:

> Children are not static objects. They grow and develop, and their proper growth and development require more than day-to-day satisfaction of their physical needs. Their growth and development also require day-to-day satisfaction of their emotional needs, and a primary emotional need is for permanence and stability. Only when their emotional needs are satisfied can children develop the emotional attachments that have independent constitutional significance. A child's need for permanence and stability, like his or her other needs, cannot be postponed.

Ex parte D.B., 975 So. 2d 940, 957 (Ala. 2007) (Bolin, J., concurring specially) (quoting Kimberly Barton, Who's Your Daddy?: State Adoption Statutes and the Unknown Biological Father, 32 Cap. U.L.Rev. 113, 143 (2003) (footnotes omitted)).

7. In 1997, the United States Congress passed the Adoption and Safe Families Act ("ASFA"), setting minimum benchmarks for states to follow to overhaul a failing foster-care system by shortening the time dependent children remain in state custody. Where children were trapped in this "foster care drift" for many years, the ASFA shortened the time period between a child's entry into the foster-care system and the initiation of parental-rights-termination proceedings. In addition, ASFA's TPR provisions were designed to be the cornerstone of a system to speed up adoptions of abused and neglected children.[1]

8. Alabama substantially adopted the ASFA provisions in the Alabama Juvenile Justice Act of 2008 ("Act"). Ala. Code, §§ 12-15-101 to -701 (1975). The primary purpose of the Act "is to facilitate the care, protection, and discipline of children who come under the jurisdiction of the juvenile court." § 12-15-101(a).

9. Alabama law requires that, within 12 months of the date a child is removed from the home and placed in out-of-

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[1]ASFA, citing B. Vobejda, House Approves Bill to Speed Adoption of Abused Children, Washington Post, May 1, 1997, at A1; see also D. Hess, House: Speed up Child Adoption, Philadelphia Inquirer, May 1, 1997, at A1.

home care, and every 12 months thereafter during the continuation of the child in out-of-home care, the juvenile court shall hold a permanency hearing. § 12-15-315(a). At each permanency hearing, the Alabama Department of Human Resources ("DHR") "shall present to the juvenile court a permanent plan for the child." Id.

10. DHR is statutorily required to file for TPR in certain instances, including when (a) the child has been in foster care in the custody of DHR for 12 of the most recent 22 months, or (b) the child has been abandoned. § 12-15-317(1).

11. In its 2008 passage of the Act, the Alabama Legislature was explicit in its intent regarding the timeliness of a judge's execution of his/her statutory duties in TPR cases: "Termination of parental rights cases shall be given priority over other cases." § 12-15-320(a) (emphasis added). Moreover, in amending the Act in 2013 (effective April 25, 2013), the Legislature effectuated its intent with definite maximum time periods the judge is required to follow. In this 2013 amendment, the Legislature also shortened the period of foster care triggering the filing of a TPR petition from 15 months to

12 months and the period of lack of personal service triggering the filing of a request for service by publication from 90 days to 45 days. §§ 12-15-317 and -318.

12. Once the TPR petition is filed, a summons is issued. § 12-15-318. If service of process is not completed within 45 days, DHR shall request service by publication. The request must establish either that the child has been abandoned or that the absent parent/s are avoiding service of process or their whereabouts are unknown and cannot be ascertained with reasonable diligence. § 12-15-318(b) and (c).

13. Effective April 25, 2013 (per Acts 2013-157), the juvenile court must complete the TPR trial within 90 days after service is perfected. § 12-15-320(a).

14. Rule 25(D), Ala. R. Juv. P. (effective Sept. 18, 2006), mandates that the juvenile court enter an order within 30 days of completing a TPR hearing. This specific requirement was incorporated into § 12-15-320(b) by the Alabama Legislature per Act 2013-157.

15. Alabama law does not recognize <u>any</u> exception to the 90-day deadline for completion of the TPR trial after perfection of service or the 30-day deadline for issuance

of the order after completion of the trial. For instance, a judge's noncompliance with the statutory TPR deadlines is not excused by a party's motion to continue, an intervening dependency hearing, or a parent's sudden efforts to reunify with his/her child.

16. In essence, under the law passed by the Alabama Legislature and Rule 25(D) promulgated by the Alabama Supreme Court, the disposition of a TPR petition must take no longer than 120 days after perfection of service, i.e., 90 days from service for the trial and 30 days from trial for the order.

17. The urgency of a TPR petition—of course, without compromise of the serious consideration of this ultimate remedy—is compelled by the child's most basic need for stability and permanency. That need, which in appropriate instances may be accomplished by the TPR, outweighs any consideration that leaves the child in limbo. Delaying TPR petitions only further postpones the establishment of permanency and stability in the child's life. L.M.W. v. Etowah County Dept. of Human Res., 55 So. 3d 1204 (Ala. Civ. App. 2010). Too much time in inconsistent, unstable, and ever-changing foster-care placements, especially during

a child's formative years, may result in life-long problems. Moreover, such delay is that much more egregious because it can very well be the difference between a child finding an adoptive home and failing to gain permanency.[2]

18. In addition to having to comply with the specific statutory time deadlines for permanency hearings and TPR petitions, the juvenile-court judge must comply with Rule 23, Ala. R. Juv. P., which requires that all adjudicatory hearings in the juvenile court shall be scheduled for the earliest practicable date, with priority given to those children in detention or shelter-care facilities. Hearings should be held as quickly as possible allowing for time necessary for preparation. Comment, Rule 23. Where a judge also exercises jurisdiction other than that of the juvenile court, priority in scheduling hearings should be given to juvenile cases. Id.

19. Unnecessary and repeated court delays caused by the judge's failure to issue timely orders, to set timely

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[2] S. Gatowski, N. Miller, S. Rubin, P. Escher, & C. Maze, Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases at 2 (National Council of Juvenile and Family Court Judges 2016).

hearings, to timely ratify referee recommendations, and to allow adequate time to hear the evidence during one setting, and also caused by the judge's excessive continuances are obstacles in achieving permanency for children and are inexcusable under explicit Alabama law.

20. Since at least 2012, Judge Kelly has routinely failed or refused to set and timely complete a trial on a TPR petition and, after April 25, 2013, routinely failed to complete the TPR trial within 90 days after service of process has been perfected, in violation of § 12-15-320(a).

21. Since at least 2012, Judge Kelly has routinely failed or refused to issue orders within 30 days of completing the TPR hearing, in violation of Rule 25(D), Ala. R. Juv. P., and § 12-15-320(b) (effective Apr. 25, 2013).

22. Judge Kelly's unreasonable and unjustifiable delays have continued despite petitions for writ of mandamus filed against her in the Court of Civil Appeals the past several years. In the following cases, a petition was filed against her on the noted date, seeking an order for her to take timely action in compliance with statutory provisions:

a. Aug. 13, 2014:

1. In the Matter of J.B., JU-2010-650.04

b. Sept. 10, 2014:

1. In the Matter of: J.S., JU-2009-913.04

c. June 15, 2015:

1. In the Matters of: T.M., D.M., and J.W., JU-2011-301.02, JU-2011-302.02, and JU-2011-303.02
2. In the Matter of D.A., JU-2011-883.04
3. In the Matters of T.C., J.N., and A.C., JU-2011-548.02, JU-2011-549.02, and JU-2011-550.02

d. May 5, 2016:

1. In the Matters of: T.C., J.N., and A.C., JU-2011-548.02, JU-2011-549.02, and JU-2011-550.02

e. Mar. 10, 2017:

1. In the Matter of J.B., JU-2010-650.05
2. In the Matter of D.F., Jr., JU-2014-419.04

23. Judge Kelly, in a September 14, 2014 response to the second petition listed above, advised the Court of Civil Appeals that she had instituted "administrative changes for her cases," and she pledged her "full support to address this issue" of not issuing a final order within 30 days of the TPR trial.

24. Judge Kelly's unreasonable and unjustifiable delays have continued despite repeated reminders by the attorneys, guardian ad litems ("GAL's"), and litigants that critical matters were pending and causing irreparable harm to the litigants and/or children involved.

25. Judge Kelly's failure to take timely action has unjustifiably necessitated the Court of Civil Appeals, attorneys, GAL's, and litigants in Judge Kelly's courtroom to expend limited resources.

1. Failure to Complete TPR Trial within 90 Days after Perfection of Service and Failure to Issue TPR Order within 30 Days of Hearing

26. Of the 74 TPR cases assigned to Judge Kelly from Jan. 1, 2012 to July 1, 2017, she has failed or refused to comply with the mandatory statutory time periods in at least 27 cases, i.e., 36%.[3] Judge Kelly's statutory

[3] During its investigation, the Commission reviewed every case contained in a State Judicial Information System ("SJIS") report, generated by AOC, of all TPR petitions assigned to Judge Kelly from January 1, 2012 through July 1, 2017.

violations occurred on dates after August 13, 2014, when DHR filed its initial petition for writ of mandamus, in 19 of those cases. Clearly, this demonstrates Judge Kelly knowingly defies Alabama law or is simply incapable of complying with it.

27. The following 27 case summaries are examples of these delays that violated Alabama law.

28. In In the Matter of J.B., JU-2010-650.04, Judge Kelly failed or refused to complete the **trial until more than 20 months after service** was perfected. In addition, she failed or refused to **issue an order for more than 11 months after trial**. DHR filed a petition for a writ of mandamus in the Court of Civil Appeals to compel Judge Kelly, after numerous reminders from DHR and the other parties, to issue the final order. The following timeline illustrates Judge Kelly's delays.

a. Oct. 7, 2010: The legal custody of the child was awarded to DHR.

b. Nov. 10, 2011: DHR filed a petition to terminate the mother's parental rights. The child's father was deceased.

c. Dec. 12, 2011: Judge Kelly issued "Order of Publication," notifying the mother and "any and all unknown fathers" to appear before Apr. 18, 2012.

d. Feb. 16, 2012: Service by publication was perfected.

e. Apr. 9, 2012: DHR filed a motion to continue the Apr. 18, 2012 hearing (due to a medical issue with the DHR social worker).

f. Feb. 12, 2013: DHR filed a motion to appoint the deceased father an attorney, noting that locating suitable relatives is a defense to a TPR petition.

g. Oct. 30, 2013: **More than 20 months after service was perfected**, the TPR trial was completed.

h. Dec. 11, 2013: Nearly 2 weeks after the TPR order should have been issued, DHR filed a **motion for the order**, noting that, at the Oct. 30 hearing, the mother signed a voluntary termination of her parental rights and that the father's rights extinguished upon his death. The motion noted that the 30-day period for a timely order ended on Nov. 29, 2013.

i. Feb. 25, 2014: DHR filed **"Renewed Motion for Order."**

j. July 30, 2014: Over 29 months after perfection of service and 9 months after trial, counsel for the mother, counsel for the deceased father, the child's GAL, and DHR filed **"Joint Motion for Final Order of Termination of Parental Rights to Allow Minor Child Permanency."** The motion pointed out that "**the permanency of the child is delayed [as] long as an order is not issued terminating parental rights of the mother as the child cannot be placed for adoption.**" (Emphasis added.) The joint motion made clear that "**all** parties . . . pray this Court will grant the petition terminating the parental rights of the mother to allow adoption of the minor child and thereby, permanency." (Emphasis included.) The parties filed a proposed order.

k. Aug. 13, 2014: The child's GAL filed **"Motion on Behalf of Minor Child to Grant Termination of Parental Rights,"** again reminding Judge Kelly that the trial was nearly 10 months earlier.

That same date, DHR filed a **petition for a writ of mandamus** in the Court of Civil Appeals (No. 2130923). In the petition, DHR sought an order directing Judge Kelly to enter an order, noting that a final order must be issued to move forward and achieve permanency for the child.

l. Aug. 28, 2014: The child's GAL and the mother's counsel filed "**Joint Response to DHR's Petition for Writ of Mandamus**," moving the Court to grant DHR's petition.

That same date, Judge Kelly filed her answer to the mandamus petition. She acknowledged that, "[o]n its face, it appears [she] missed the 30 day deadline for releasing [her] order following the October, 2013, hearing." She gave a brief description of the child's family history and described the TPR petition as a "**state-sanctioned break-up of [the child's] family.**" (Emphasis added.) She advised the Court that she had completed the order and would release it upon the Court's direction.[4]

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[4] The filing of a petition for a writ of mandamus against a trial judge does not divest the trial court of jurisdiction, stay the case, or toll the running of any period for obeying an order or perfecting a filing in the case. See Ex parte St. John, 805 So. 2d 684 (Ala. 2001); Continental Oil Co. v. Williams, 370 So. 2d 953, 954 (Ala. 1979). The petition for a writ of mandamus, if meritorious, merely prompts the appellate court to exercise its supervisory power to tell the trial judge, as an official, as distinguished from the trial court itself, to do his or her duty when that duty is so clear that there are no two ways about it. Ex parte Little, 837 So. 2d 822, 824 (Ala. 2002). Therefore, Judge Kelly's failure or refusal to issue the order after its completion is another instance of her pattern and practice of delay in timely completing TPR cases.

m. Sept. 8, 2014: Judge Kelly submitted a 6-month report[5] to the Administrative Office of Courts ("AOC") of her cases under submission for a period of 6 months or longer as of June 30, 2014. This case was not included.

n. Oct. 1, 2014: The Court of Civil Appeals granted DHR's mandamus petition and directed Judge Kelly "to issue an order as required by Rule 25, Ala. R. Juv. P."

o. Oct. 2, 2014: **Over 31 months after perfection of service and nearly a year after the trial**, Judge Kelly filed the order, denying DHR's TPR petition.

29. After Judge Kelly's unreasonable and unjustifiable 27-month delay in determining the first TPR petition regarding J.B.(see para. 28), she has again ignored Alabama law and the critical need for permanency for J.B., a child in DHR custody since October 7, 2010, in regard to a second TPR petition. In the Matter of J.B., JU-2010-650.05. Within this past year, and well after receiving notice of the Commission's investigation into her pattern and practice of unreasonable and unjustifiable delay on September 12, 2016, Judge Kelly failed or refused to

[5] Canon 3A(5) requires judges to file reports with the Administrative Office of Courts on January 1 and July 1 every year, reporting cases and matters under submission for more than six months. See Part V.E for detailed discussion on 6-month reports.

complete the **second trial until 118 days after perfection of service**. She also failed or refused to render a final **order until 53 days after the trial** and only after DHR filed another petition for a writ of mandamus in the Court of Civil Appeals. The pertinent chronology is as follows:

a. May 18, 2016: DHR filed a second TPR petition.

b. Sept. 27, 2016: Service was perfected.

c. Dec. 26, 2016: 90 days after service was perfected on all parties. The TPR trial should have been completed by this date.

d. Jan. 23, 2017: The trial concluded. At the time, the child's father was deceased, and the mother had voluntarily consented to TPR.

e. Feb. 24, 2017: DHR filed a **motion for a final order** and submitted a proposed order to Judge Kelly's proposed-order queue.

f. Mar. 10, 2017: DHR filed a **petition for a writ of mandamus** in the Court of Civil Appeals (Case No. 2160400), requesting the Court order Judge Kelly to enter an order terminating the parental rights of the mother.

g. Mar. 13, 2017: The Court ordered Judge Kelly to respond by noon on Friday, Mar. 17, 2017.

   That same date, at 4:57 p.m., **more than 50 days after the trial**, Judge Kelly entered "Second Order," terminating the parental rights of the mother.

h. Mar. 17, 2017: Judge Kelly submitted a response to the mandamus petition, which contained "Second Order," i.e., the TPR final order, and "Order," both dated Mar. 13, 2017. Unlike "Second Order," "Order"

bore no AlaCourt e-file stamp. In fact, it does not appear in Alacourt,[6] SJIS, or the record. Unstamped "Order" reads:

> The Order in this matter was signed and submitted for normal processing within the 30 day statutory period. The court then opined that the second petition for termination of the mother's parental rights was due to be granted. In this instance, the court did not believe that it was necessary for her to write to issues in accordance with the clear and convincing standard of review. Thus, this case is timely disposed of.[7] However, there is no record that the order was recorded by the clerk. Today, the undersigned has again signed the TPR order and has verified that the clerk has recorded the same.

This unstamped "Order" references a TPR order—never produced or recorded—that Judge Kelly allegedly submitted within the statutory period. However, if Judge Kelly signed and submitted an order by the Feb. 23, 2017 deadline, and it was inadvertently never issued, DHR's Feb. 24, 2017 motion for an order would have put her on notice of the oversight.

i. Mar. 17, 2017: DHR filed "Notice to the Court and Motion to Produce 'First Order'" in the Court of Civil Appeals, requesting the Court to order Judge Kelly to produce the first order allegedly signed within the 30-day period following the trial. DHR

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[6] Internet database used by the public to access filings in Alabama courts.

[7] But see, Ala. R. Civ. P. 58 ("An order or a judgment shall be deemed 'entered' within the meaning of these Rules and the Rules of Appellate Procedure as of the actual date of the input of the order or judgment into the State Judicial Information System.")

alleged that, at 6:09 p.m. on Mar. 13, 2017, Judge Kelly sent copies of "Order" and "Second Order" to DHR counsel via email; DHR noted that neither order was served on DHR's counsel of record; and DHR described the discrepancies between the two orders, as noted above.

That same date, Judge Kelly filed a supplemental response, dated Mar. 16, 2017, in which she stated she "believes that it is necessary to clarify that the court is not suggesting that the clerk or her staff ever received the same. After the court signed the original order, the undersigned is unable to speak to what happened next."

j. Mar. 21, 2017: The Court of Civil Appeals issued an order dismissing DHR's mandamus petition as moot.

30. In In the Matter of K.W., JU-2008-93.01/.04, Judge Kelly failed or refused to issue a **TPR order as to the father for nearly three years after the 3-week late trial** was completed, despite her own reminder and numerous reminders from DHR and the GAL. Only after the child was reunified with his/her mother and DHR filed a motion to dismiss the TPR petition did Judge Kelly finally rule. The delays are as follows:

a. Apr. 20, 2012: DHR filed a TPR petition.

b. Oct. 17, 2012: DHR filed a motion for service on the father by publication.

c. Nov. 28, 2012: Judge Kelly filed an ineffective order consisting solely of her handwritten notation "Granted," signature, and date on DHR's "Motion for

Service by Publication." She also set the TPR hearing for June 5, 2013, more than 6 months later.

d. Jan. 8, 2013: **Nearly 3 months after the motion was filed**, Judge Kelly issued a valid order for service by publication.

e. Feb. 14, 2013: Service by publication on the father was perfected.

f. May 14, 2013: 90 days after service was perfected on all parties. The TPR trial should have been completed by this date.

g. June 5, 2013: **Nearly 3 weeks later**, the trial was completed. Judge Kelly filed a bench order denying the TPR petition as it related to the mother, but made no mention of the disposition as to the father.

h. July 18, 2013: Nearly 6 weeks after the trial, the child's GAL and DHR filed "**Joint Motion for a Ruling as to the Father**."

i. Dec. 31, 2013: The TPR petition as to the father had been under submission for 6 months. Judge Kelly should have, but failed to include this case on her 6-month reports submitted on Feb. 3, 2014, Sept. 8, 2014, Jan. 8, 2015, Aug. 4, 2015, and Jan. 15, 2016.

j. June 30, 2014: The foster mother filed a petition to intervene, stating that the child had lived with her continuously since Apr. 2009, when the child was 14 months old; that she desired to be present at all hearings; and that DHR agreed with the intervention. (.01)

k. Nov. 5, 2014: **Nearly 18 months after the trial,** Judge Kelly made the notation "W/in 30 days address TPR as to father" on an unsigned bench note.

l. Feb. 5, 2015: The foster mother filed a **renewed petition to intervene**, reminding Judge Kelly that a petition to intervene was filed on June 30, 2014, but had not yet been ruled on. (.01)

m. Feb. 13, 2015: **More than 7 months after the petition was filed,** Judge Kelly granted the foster mother's petition to intervene. (.01)

n. Jan. 5, 2016: DHR filed **a motion for an entry of an order**, requesting that Judge Kelly either terminate the father's parental rights or deny DHR's petition.

o. Apr. 21, 2016: Judge Kelly issued a final order granting legal and physical custody of the minor child to her mother and closed the matter to further court review. The order did not address the pending TPR petition.

p. Apr. 22, 2016: DHR filed a motion to dismiss the TPR petition, noting the petition was due to be dismissed because reunification of the family had occurred.

q. Apr. 28, 2016: **Nearly 3 years after the trial on the TPR petition was completed**, Judge Kelly issued an order granting DHR's motion to dismiss the TPR petition.

31. The TPR petition filed on Apr. 21, 2016, in In the Matter of A.P., JU-2013-427.01, is **still pending (as of the date of the filing of the original complaint in the Court of the Judiciary).** Judge Kelly failed or refused to

conclude a trial regarding the petition as to the mother before the period for trial expired on September 7, 2016, and as to the father before the period for trial expired on July 24, 2017. The delays are as follows:

a. Apr. 21, 2016: DHR filed a TPR petition.

b. June 3, 2016: The final hearing was set for Aug. 31, 2016.

c. June 9, 2016: Service on the mother was returned.

d. Aug. 29, 2016: DHR filed "Motion to Continue and Reset Trial Date." DHR alleged the father's identity was unknown and there was insufficient time to serve any unknown fathers by publication before the trial date. DHR concurrently filed a motion for service by publication as to the father.

e. Aug. 30, 2016: Judge Kelly granted in part and denied in part DHR's motion to continue. As to the mother, Judge Kelly ordered "[t]his matter will proceed to trial on Aug. 31, 2016." She granted the motion as to the father for insufficient time to serve by publication before the trial.

f. Aug. 31, 2016: A hearing was held, but no testimony was taken on the TPR petition as it related to the mother. Judge Kelly entered an order requiring an alleged father to submit to DNA testing.

g. Sept. 7, 2016: 90 days after service was perfected on the mother. The TPR trial as to the mother should have been completed by this date.

h. Oct. 5, 2016: The TPR hearing was set for Jan. 9, 2017.

i. Jan. 9, 2017: A hearing was held, but no testimony was taken on the TPR petition as it related to the mother.

j. Mar. 24, 2017: **Nearly 7 months after DHR filed the motion for service by publication**, Judge Kelly issued an order of publication.

k. Apr. 25, 2017: Judge Kelly entered an order establishing the paternity of an alleged father. Service was perfected on all parties.

l. July 24, 2017: 90 days after service was perfected on the father. The TPR trial should have been completed by this date.

m. July 26, 2017: **More than 13 months after service on the mother was perfected**, the TPR trial was completed and Judge Kelly took the matter under advisement.

32. In In the Matter of J.S., JU-2009-913.04, Judge Kelly did not complete the **trial until more than 26 months after service** was perfected—after three trial settings spread out over nearly 14 months. In addition, Judge Kelly issued the TPR **order more than four months after trial** and did so only after DHR filed a petition for a writ of mandamus in the Court of Civil Appeals. The following timeline illustrates the breadth of delays:

a. Jan. 10, 2012: DHR filed a TPR petition.

b. Jan. 23, 2012: Judge Kelly issued "Order of Publication," notifying the mother, the alleged father, and "any other unknown/alleged fathers" to appear before June 6, 2012.

c. Feb. 23, 2012: Service by publication was perfected.

d. Mar. 6, 2013: **More than a year after service was perfected**, the trial began. DHR did not complete its case-in-chief, and Judge Kelly continued the matter without setting a date to reconvene.

e. July 24, 2013: More than 4 months later, DHR filed **"Motion for Immediate Court Date,"** noting that Alabama law requires TPR trials to be completed within 90 days.

f. Sept. 12, 2013: More than 6 months after the initial hearing, DHR filed "**Second Motion for Immediate Court Date.**"

g. Apr. 23, 2014: **Over 2 years after service was perfected and over 1 year after the trial began**, testimony resumed. However, insufficient time had been allotted, and Judge Kelly continued the trial until May 7, 2014.

h. May 7, 2014: **Over 26 months after perfection of service and 14 months after the trial began**, Judge Kelly concluded the trial and took the matter under advisement.

i. May 13, 2014: The child's GAL filed "Report and Recommendation," recommending termination of parental rights. There were no objections to this report.

j. June 5, 2014: DHR filed a **motion for an order on the TPR petition.** The statutory deadline for the order was the next day, June 6, 2014.

k. July 18, 2014: 42 days after the order was due, DHR filed **"Second Motion for Order."**

l. Sept. 10, 2014: DHR filed a **petition for a writ of mandamus** in the Court of Civil Appeals (No. 2131002). In the petition, DHR noted that the trial concluded more than 4 months earlier, the child had been in foster care for over 4 years, and Judge Kelly's

failure or refusal to enter an order was delaying the child's permanency.

m. Sept. 24, 2014: Judge Kelly filed her answer to the mandamus petition. She listed the following as among the reasons she had not issued the TPR order within the statutorily-required 30 days: "these cases are complex"; "the paperwork associated with this case is voluminous"; "[DHR's] evidence arguably was nil to none, excluding the Individualized Service Plans"; "the system is overloaded"; "the approximate four hours allocated to dependency cases weekly are inadequate"; "more resources should be available to adequately handle our juvenile docket"; and "on an annual basis, DHR files approximately 40 petitions for termination of parental rights" in addition to the "approximately 2,500 juvenile claims" filed in Montgomery County. Judge Kelly also pointed to her other duties as obstacles to her issuing a timely order, including her "regularly scheduled dockets, to include other emergency hearings and petitions for termination of parental rights; . . . her responses to other writs of mandamus filed against [her] by DHR; and . . . her response to DHR's 'complaint' filed with the Judicial Inquiry Commission."[8]

Judge Kelly claimed that it was not her intent to deliberately disregard the 30-day deadline and that any suggestion by DHR that she was willful in her non-compliance "is a misrepresentation." She further claimed that had she agreed with DHR's position in the TPR action, "it would have been easy to complete an order within 30 days of the trial," but because she viewed the evidence differently from DHR, she was required to "review the file in its entirety, review

[8] The day after Judge Kelly filed her answer, DHR filed "Notice to the Court," stating it "did not file a 'complaint' to the Judicial Inquiry Commission. DHR did, however, submit information to the Judicial Inquiry Commission."

transcripts and trial exhibits, conduct legal research, [and] compose a coherent order."

Judge Kelly advised the Court that she had recently instituted "administrative changes for her cases," and she pledged her "full support to address this issue." In conclusion, she informed the Court she had completed the long-overdue TPR order and would release it "upon direction from this Court."

n. Oct. 9, 2014: The Court granted DHR's petition and directed Judge Kelly "to issue an order as required by Rule 25, Ala. R. Juv. P."

o. Oct. 10, 2014: **Over 5 months after the TPR trial and over 31 months after perfection of service**, Judge Kelly issued her order, denying DHR's TPR petition.

33. In In the Matters of T.M., D.M., and J.W., JU-2011-301.02, JU-2011-302.02, and JU-2011-303.02, Judge Kelly failed or refused to complete the **trial until more than 12 months after service** was perfected. In addition, she failed or refused to issue an **order for more than 5 months after the trial**. Again, DHR turned to the Court of Civil Appeals to compel Judge Kelly's issuance of a trial order. The following timeline illustrates the extent of delays:

a. July 23, 2013: DHR filed petitions to terminate the parental rights of the mother and fathers of 3 children.

b. Sept. 23, 2013: Judge Kelly issued "Order of Publication," effectuating service on Jan. 2, 2014, and notifying the mother and "any and all unknown fathers" to appear before Feb. 19, 2014.

c. Feb. 19, 2014: Judge Kelly continued the trial due to illness.

d. Apr. 2, 2014: 90 days after service was perfected on all parties. The TPR trial should have been completed by this date.

e. May 20, 2014: DHR filed **"Motion for Immediate Court Date,"** reminding Judge Kelly that "this matter is already beyond the time required by law."

f. May 21, 2014: On DHR's motion for an immediate court date, Judge Kelly handwrote "Please set on next available docket."

g. June 5, 2014: Trial set for Oct. 8, 2014.

h. Sept. 12, 2014: Trial set for Nov. 12, 2014.

i. Nov. 17, 2014: Trial set for Dec. 30, 2014.

j. Dec. 23, 2014: The mother filed a motion to continue the Dec. 30, 2014 trial date for health reasons.

k. Dec. 29, 2014: Judge Kelly partially granted the mother's motion with the handwritten notation, "Matter to be heard as to father on December 30, 2014. Matter continued as to mother."

l. Dec. 31, 2014: Trial set for Jan. 28, 2015.

m. Jan. 28, 2015: **More than 12 months after service was perfected**, the trial on the TPR petitions was completed.

n. Feb. 11, 2015: 2 weeks after the trial, DHR submitted a proposed order to Judge Kelly's proposed-order queue.

o. Mar. 2, 2015: DHR filed a **motion for an order**, noting the 30-day statutory deadline expired on Feb. 27, 2015.

p. May 5, 2015: DHR filed a **second motion for an order.**

q. June 15, 2015: More than 17 months after perfection of service and 138 days after the trial, DHR filed a **petition for a writ of mandamus** in the Court of Civil Appeals (Case No. 2140735). In the petition, DHR asked the Court to order Judge Kelly to enter a judgment on the TPR petitions, noting the lack of an order was delaying the permanency of the children unnecessarily.

r. June 30, 2015: Judge Kelly answered the mandamus petition, stating she had completed the order and would release it to the parties' counsel upon direction from the Court.

s. July 6, 2015: The Court of Civil Appeals granted DHR's petition. The Court noted that it was "puzzled by [Judge Kelly's] refusal to enter the judgment until being directed to do so by this court." The Court found that "[Judge Kelly] has clearly violated the statutory mandate to enter the judgment in this case within 30 days of the completion of the trial."

t. July 7, 2015: **More than 18 months after service was perfected and more than 5 months after the trial**, Judge Kelly filled out, signed, and entered a 1-page form order, granting DHR's TPR petitions.

u. Oct. 14, 2015: **More than 4 years after their placement in foster care and nearly 27 months after DHR filed the TPR petitions**, the three children, aged between 5 and 7 years old, were legally adopted.

34. In In the Matter of D.A., JU-2011-883.04, Judge Kelly failed or refused to complete a hearing on the TPR petition within 90 days of perfection of service. She held hearings on four separate days over a 16-month period. DHR was forced to file a petition for a writ of mandamus in the

Court of Civil Appeals, and **the trial was not completed until nearly 14 months after service**. She also did not **issue the TPR order until 61 days after the trial was completed**, as seen below:

a. Nov. 12, 2013: DHR filed a TPR petition, almost 2 years after DHR obtained custody of the child.

b. Apr. 15, 2014: Service was perfected (per Judge Kelly's Apr. 16, 2014 bench notes).

c. Apr. 16, 2014: The trial began, but was reset with the bench note: "As service was perfected the day prior to hearing, this matter is reset."

d. June 11, 2014: The TPR trial continued. A bench note indicates "testimony completed."

e. Nov. 12, 2014: Nearly 7 months after the first trial setting, DHR filed **"Motion for Court Date,"** noting that the trial was originally set for Apr. 16, 2014, that it was continued, and that Alabama law requires the trial be completed within 90 days of perfection of service.

f. Feb. 20, 2015: **10 months after service was perfected and more than 3 months after DHR filed its motion,** Judge Kelly granted DHR's motion with the handwritten notation, "Date to be set soon as practicable."

g. Mar. 11, 2015: DHR filed **"Second Motion for Court Date."**

h. June 15, 2015: DHR filed a **petition for a writ of mandamus** in the Court of Civil Appeals (No. 2140734), requesting that the Court order Judge Kelly to set a trial date.

i. June 30, 2015: Judge Kelly answered the mandamus petition, stating she had set the matter for trial

for Aug. 12, 2015, **nearly 16 months after service was perfected**. (The new trial date was not entered into Alacourt and docket notices were not issued until July 16, 2015.)

j. July 8, 2015: The Court denied the petition as moot.

k. Aug. 12, 2015: Unfiled and/or unstamped bench notes indicate the parties were present for trial.

l. Aug. 19, 2015: Unfiled and/or unstamped bench notes indicate more testimony was taken, and the trial was reset to Aug. 26, 2015.

m. Aug. 26, 2015: **Over 16 months after service was perfected**, Judge Kelly concluded the trial and took the case under advisement.

n. Sept. 24, 2015: Bench notes, apparently initialed by Judge Kelly, indicate she reviewed the file, noted "thirty days expire on or about 9/25/2015," and directed that the DHR attorney be advised she wanted a proposed order "with factual background to support TPR."

o. Sept. 25, 2015: DHR filed a **motion for an order**, noting that "more than thirty (30) days have passed since the conclusion of the trial."[9]

p. Oct. 7, 2015: The child's GAL filed a recommendation that "the parental rights of the Mother and Father should be terminated by the Court."

q. Oct. 8, 2015: DHR filed a **2nd petition for a writ of mandamus** in the Court of Civil Appeals, this one seeking an order from the Court directing Judge Kelly to enter a final judgment. (Case No. 2150016)

r. Oct. 26, 2015: **Almost 2 years after the TPR petition was filed, 18 months after perfection of service, 61**

[9] DHR's motion was filed exactly 30 days after conclusion of the TPR trial.

days after conclusion of the TPR trial, and 31 days past the statutory deadline, Judge Kelly issued an order denying the TPR petition.

s. Nov. 4, 2015: The Court dismissed the mandamus petition as moot.

t. Sept. 2, 2016: After DHR's timely appeal, the Court of Civil Appeals affirmed Judge Kelly's ruling, but noted her noncompliance with the statutory time periods for trial and final judgment and DHR's repeated efforts to encourage timely trial and adjudication. Montgomery County Dept. of Human Resources v. T.S., No. 2150233, 2016 WL 4585596, at *1, 6 (Ala. Civ. App. Sept. 2, 2016).

In addition, Judge Moore highlighted Judge Kelly's delay:

> [T]he juvenile court did not complete the trial until 16 months after it began. The evidence . . . shows that, during that time, the child bonded with her foster mother and lost contact with the mother and the father. Near the end of the trial, [Judge Kelly] rightly expressed concern that the stability of the child, established during that period, would be disrupted if the petition was denied and the parents were reintroduced to the child. At this point, if rehabilitation efforts lead the juvenile court to return the child to the mother or the father, the child will undoubtedly experience the traumatic loss of another family no matter how delicately the case proceeds. At the very least, the juvenile court could have lessened that potential problem by acting promptly on the [TPR] petition as required by law. . .The juvenile court also should consider its own culpability in **unlawfully** prolonging this matter to the detriment of the child.

Id. at *18 (Moore, J., concurring) (emphasis added).

35. Judge Kelly was **4 and 6 months late in completing two TPR trials** and **more than two weeks late in issuing a final order**, as seen below in In the Matters of K.O., N.O., & K.M., JU-2007-627.03, JU-2010-226.02, and JU-2010-227.02:

a. July 1, 2013: The 3 children's relatives filed TPR petitions, alleging abandonment by the mother and the fathers' incapacity to care for the children.

b. July 11, 2013: (227.02) Judge Kelly issued an order for service by publication on the father of K.M. The name of the father was incorrect on the order.

c. Oct. 23, 2013: A hearing was continued so a corrected order for publication could be filed and service perfected on both parents. Hearing reset for Jan. 8, 2014.

d. Nov. 6, 2013: The petitioners filed a motion for service by publication, noting they had been unable to perfect service on the father of K.M. and wished to "clarify any service issues with reference to Mother." The record is unclear if/when Judge Kelly ruled on this motion.

e. Nov. 12, 2013: The children's GAL filed a motion to continue the Jan. 8, 2014 hearing.

f. Dec. 31, 2013: **7 weeks later**, Judge Kelly granted the GAL's motion to continue, but did not reset the trial.

g. Apr. 18, 2014: The GAL filed "Motion for Court to Mandate Visitation" for K.M.'s alleged father, noting the continued Jan. 8, 2014 trial had yet to be reset.

h. Apr. 24, 2014: The TPR hearing was set for July 23, 2014.

i. May 12, 2014: (627.03; 226.02) Personal service on K. and N.O's father was perfected.

j. May 21, 2014: Via handwritten notation on the motion, Judge Kelly granted the GAL's motion for visitation.

k. May 27, 2014: (227.02) Personal service on K.M.'s father was perfected.

l. July 23, 2014: A hearing was held. The record is unclear whether testimony was taken.

m. July 29, 2014: The TPR hearing was set for Aug. 20, 2014.

n. Aug. 10, 2014: (627.03; 226.02) The TPR trial should have been completed for K. and N.O. by this date.

o. Aug. 20, 2014: A hearing was held. The record is unclear whether testimony was taken.

p. Aug. 25, 2014: (227.02) The TPR trial should have been completed for K.M. by this date.

q. Nov. 6, 2014: The TPR hearing was set for Dec. 23, 2014.

r. Dec. 23, 2014: A hearing was held. The record indicates testimony in 227.02 was completed as to K.M., **nearly 7 months after service was perfected**.

s. Jan. 12, 2015: (227.02) Petitioners filed a motion to withdraw the TPR petition as to K.M.

t. Feb. 4, 2015: The TPR hearing as to K. and N.O. was set for Feb. 10, 2015.

u. Feb. 6, 2015: (227.02) **More than 30 days after the hearing**, via order dated Jan. 31, 2015, Judge Kelly granted the motion to dismiss the TPR petition as to K.M.

v. Feb. 10, 2015: (627.03; 226.02) The record is unclear, but it appears the TPR hearing was completed, **nearly 9 months after service as to K. and N.O. was perfected.**

w. Feb. 27, 2015: (627.03; 226.02) The GAL filed a proposed order.

x. Mar. 5, 2015: (627.03; 226.02) Judge Kelly issued an order granting the TPR petitions as to K. and N.O.

36. In In the Matter of A.S., JU-2011-368.05, Judge Kelly did not hold the **trial until more than 6 months after service was perfected** and did not issue her **final order until 51 days after trial**, as established below:

a. May 22, 2014: The grandparents were awarded temporary emergency custody of the child.

b. May 7, 2015: The grandparents filed a TPR petition.

c. July 22, 2015: The final hearing on the grandparents' petition for custody began.

d. July 27, 2015: Service on the father was perfected.

e. Aug. 5, 2015: The final hearing on the grandparents' petition for custody concluded. Service of the TPR petition on the mother was perfected.

f. Oct. 8, 2015: **More than 2 months after the hearing**, Judge Kelly issued an order granting legal and physical custody of the child to the grandparents. The TPR hearing was set for Dec. 16, 2015.

g. Nov. 5, 2015: 90 days after service was perfected on all parties. The TPR trial should have been completed by this date.

h. Dec. 3, 2015: Judge Kelly reset the TPR hearing for Dec. 9, 2015.

i. Dec. 16, 2015: Judge Kelly reset the TPR hearing for Feb. 24, 2016.

j. Feb. 24, 2016: **More than 6 months after service and more than 3 months after the statutory deadline**, the TPR hearing was completed.

k. Mar. 17, 2016: A proposed order for the TPR (.05) was filed in the grandparents' petition-for-custody case (.04).

l. Apr. 14, 2016: **51 days after the trial was completed**, Judge Kelly issued an order terminating the parental rights of the mother and the father.

2. Failure to Complete TPR Trial within 90 Days after Service of Process Perfected

37. As recently as March 10, 2017, DHR has been compelled to file a petition for a writ of mandamus seeking an order for Judge Kelly to schedule and complete a TPR trial within 90 days after service had been perfected, as required by § 12-15-320(a), i.e., in regard to In the Matter of D.F., Jr., JU-2014-419.04. The following timeline illustrates the constant delays in the trial even being set:

a. Aug. 28, 2015: DHR filed a TPR petition.

b. Sept. 3, 2015: DHR filed a motion for service on the father by publication.

c. Oct. 6, 2015: DHR filed another motion for service on the father by publication.

d. Oct. 8, 2015: Judge Kelly issued an order for service by publication on the father. The trial was set for Dec. 9, 2015.

e. Nov. 19, 2015: Service was perfected.

f. Nov. 30, 2015: Judge Kelly continued the Dec. 9 trial date, finding that the mother was working towards reunification with the child.

g. Feb. 17, 2016: 90 days after service was perfected on all parties. The TPR trial should have been completed by this date.

h. Mar. 8, 2016: Judge Kelly reset the trial to June 22, 2016.

i. June 22, 2016: Testimony was taken. Trial reset to July 6, 2016.

j. July 4, 2016: The GAL filed a motion to exclude the child from the July 6 TPR hearing. The GAL noted that the 2-year-old child "had to be kept in the lobby for approximately four hours" during the June 22 hearing. Judge Kelly granted the motion the next day.

k. July 6, 2016: A hearing was held. It appears testimony was taken. The trial was reset to Aug. 24, 2016

l. Aug. 21, 2016: Judge Kelly continued the Aug. 24 trial date "to continue/complete" an unrelated case, which began on Aug. 19, 2016.

m. Aug. 25, 2016: The mother filed "Motion to Waive Parental Rights and Consent to Termination of Parental Rights," in which she noted she had "a change of heart and believes that it is in the best interest of her oldest child . . . that she

voluntarily relinquish[] her parental rights" so the child could be adopted by his/her foster parents.

n. Sept. 19, 2016: The trial was reset to Nov. 2, 2016.

o. Nov. 1, 2016: The father, by and through his counsel and his GAL, filed "Joint Motion for Mental Evaluation of the Father and Waiver of Presence of the Father." That motion alleged that the father was currently incarcerated, did not have the capacity to understand the nature of the TPR hearing, and mistakenly believed his recently-appointed GAL was actually his defense counsel. His counsel and the GAL moved to continue the hearing so the father could undergo a mental evaluation.

p. Nov. 2, 2016: During a hearing, Judge Kelly granted the motion for the father's mental evaluation and continued the trial.

q. Jan. 14, 2017: DHR filed a **motion for a court date**. In its motion, DHR alleged that the father had relocated to Ohio, was no longer available for a mental evaluation, had had no contact with the child since Nov. 2014, and had had no contact with DHR since June 2015.

r. Mar. 10, 2017: More than 16 months after perfection of service, DHR filed a **petition for a writ of mandamus** in the Court of Civil Appeals (No. 2160401). In its petition, DHR asserted that Judge Kelly had failed or refused to set another trial date for the TPR petition, thereby delaying permanency for the child unnecessarily, in violation of § 12-15-320(a) and Rule 23, Ala. R. Juv. P.

s. Mar. 13, 2017: The Court ordered Judge Kelly to respond by noon on Friday, Mar. 17, 2017.

t. Mar. 14, 2017: Judge Kelly, without service on all attorneys of record, informally forwarded to the DHR attorney an order, dated Mar. 13, 2017, setting a TPR hearing for May 3, 2017. In that order, Judge Kelly

claimed she was "unaware of the scheduling issues in this matter until Friday, Mar. 10, 2017" because she "was not notified by either party or any entity."[10] She also asserted she "was advised that it was necessary for the clerk's office to reschedule a felony murder in delinquency court that has been pending for approximately one year in order to set this matter for hearing in May of 2017."

u. Mar. 17, 2017: Judge Kelly filed a response to the mandamus petition. The Court dismissed the mandamus petition as moot.

v. May 3, 2017: Testimony was taken but trial was not completed. Judge Kelly reset the trial for May 15, 2017.

w. May 15, 2017: **18 months after service was perfected and more than 2 months after DHR filed a petition for writ of mandamus**, the TPR trial was concluded.

x. June 13, 2017: Judge Kelly entered a 1-page form order terminating the parental rights of the mother and father.

y. July 19, 2017: **Nearly 2 years after DHR filed the TPR petition**, the child was adopted by his foster parents.

38. In In the Matters of C. & C.J., JU-2011-851.04 and JU-2011-853.04, Judge Kelly's delays in granting motions for service by publication and failure or refusal to timely complete the TPR trial postponed two children's adoption by their foster parent for nearly two years, as seen below:

[10] It is noteworthy that such notifications to Judge Kelly had failed to produce results in other cases, such as these set out in this Complaint.

a. Dec. 16, 2013: DHR filed TPR petitions.

b. May 12, 2014: DHR filed a motion for service by publication to the alleged fathers, M.S. and D.W., noting that the final hearing was scheduled for Aug. 13, 2014, and with an affidavit detailing DHR's efforts to serve the alleged and putative fathers.

c. June 25, 2014: **Nearly 6 weeks later**, Judge Kelly handwrote, signed, and dated on the motion: "DHR to specifically identify efforts to serve alleged fathers."

d. July 3, 2014: DHR filed "**Renewed Motion for Service by Publication**" with an affidavit detailing the efforts made to serve the alleged and putative fathers. An undated handwritten note on the motion, signed by Judge Kelly, reads: "What effort(s) were made with family and friends to locate [the alleged fathers]?"

e. Aug. 8, 2014: The mother and the child's GAL filed a joint motion to dismiss DHR's TPR petitions.

f. Aug. 13, 2014: DHR filed another "**Renewed Motion for Service by Publication**" for just D.W., detailing the efforts made to locate the alleged father and noting the final hearing was scheduled for that same day. M.S. was served sometime prior to this date. DHR's motion was granted at the hearing.

g. Before service by publication was effectuated, the attorney for the alleged father D.W. accepted service on his behalf, mooting the need for service by publication.

h. Sept. 25, 2014: Judge Kelly set the final hearing for Dec. 30, 2014.

i. Nov. 17, 2014: The mother filed a motion to continue the Dec. 30, 2014 setting, requesting it be reset to Feb. 2015.

j. Nov. 26, 2014: Judge Kelly granted the mother's motion to continue, and the TPR trial was eventually rescheduled for Feb. 17, 2015.

k. Feb. 17, 2015: A TPR hearing was held but not completed. Judge Kelly rescheduled it for the next day, but DHR counsel was unable to finish the hearing on Feb. 18. The record is unclear as to when service on both alleged fathers was perfected, but it was no later than this date.

l. Mar. 17, 2015: DHR filed a **motion to reschedule the TPR hearing**.

m. Apr. 29, 2015: DHR filed a **2nd motion to reschedule the TPR hearing.**

n. May 17, 2015: (If service perfected on or before Feb. 17, 2015) 90 days after service was perfected on all parties. The TPR trial should have been completed no later than this date.

o. July 10, 2015: More than 4 months later, DHR filed a **renewed motion to reschedule the TPR hearing.** Judge Kelly set a hearing for Sept. 23, 2015.

p. Sept. 14, 2015: DHR and counsel for the mother filed motions to dismiss the TPR petitions as to the mother, noting she died in an accident on Sept. 6, 2015.

q. Sept. 22, 2015: The GAL filed a motion to continue the next day's setting due to a conflict with another trial. That same day, DHR filed a response "adamantly" opposing a continuance, noting that the TPR petitions were filed nearly 2 years prior, the petitions had been partially heard more than 7 months ago, Alabama law required that TPR cases "shall be given priority over other cases," and "[t]he minor children need, and deserve, permanency." Judge Kelly granted the motion to continue the same day.

r. Oct. 7, 2015: **Nearly 8 months after it began**, the TPR trial was completed.

s. Oct. 8, 2015: DHR submitted a proposed order to Judge Kelly's proposed order queue.

t. Nov. 2, 2015: Judge Kelly issued an order granting the pending motions to dismiss the TPR petitions as to the mother, and terminating the parental rights of the putative, alleged, and any unknown fathers.

u. Feb. 1, 2016: **More than 2 years after the TPR petitions were filed**, the minor children were adopted by their foster parent.

39. In In the Matter of I.G., JU-2013-651.02, Judge Kelly did not rule on the petitioner's motion for service by publication, and when the father was eventually personally served, Judge Kelly failed to complete the TPR trial within 90 days, as seen below:

a. Apr. 28, 2015: The paternal grandmother filed a TPR petition.

b. Aug. 26, 2015: The petitioner filed a motion for service by publication as to the father. She noted that the mother had been personally served on Aug. 5, 2015. Judge Kelly never made a ruling on this motion.

c. Nov. 13, 2015: Personal service on the father was perfected.

d. Feb. 11, 2016: 90 days after service was perfected on all parties. The TPR trial should have been completed by this date.

e. Feb. 24, 2016: **Almost 2 weeks after the statutory deadline**, the TPR trial was completed.

f. Mar. 2, 2016: **More than 10 months after the TPR petition was filed**, Judge Kelly issued an order terminating parental rights.

3. Failure to Issue TPR Order within 30 Days of Hearing

40. In In the Matters of T.C., J.N., and A.C., JU-2011-548.02, JU-2011-549.02, and JU-2011-550.02, Judge Kelly failed or refused to comply with the statutory mandate of giving TPR cases priority over other cases by failing or refusing for **nearly 8 months to order service by publication** as to the unknown fathers, and only after DHR filed multiple motions and several hearings were held. In addition, she failed or refused to issue an **order for more than 11 months** after the trial. DHR was forced to file two petitions for writs of mandamus and ultimately an appeal in the Court of Civil Appeals to compel Judge Kelly to issue timely and legally-correct orders. The pertinent chronology is as follows:

a. July 12, 2011: DHR was awarded custody of the children.

b. Feb. 21, 2014: DHR filed TPR petitions.

c. Oct. 15, 2014: **Almost 8 months after the petitions were filed, after DHR had filed multiple requests for service by publication, and after several hearings,** Judge Kelly finally ordered service by publication.

d. Feb. 3, 2015: **Nearly 1 year after the petitions were filed**, the trial was completed.

e. Mar. 31, 2015: Nearly 2 months after the trial, DHR filed a **motion for an order**, pointing out the 30-day deadline expired on March 4, 2015.

f. May 5, 2015: 3 months after the trial, DHR filed a **2nd motion for an order**.

g. June 15, 2015: More than 4 months after the trial, DHR filed a **petition for a writ of mandamus** in the Court of Civil Appeals (No. 2140733). In the petition, DHR asked the Court to order Judge Kelly to enter a judgment on the TPR petitions, noting her lack of an order was delaying the permanency of the children unnecessarily.

h. June 16, 2015: The Court issued an order giving Judge Kelly 14 days to respond.

i. June 26, 2015: The Court granted Judge Kelly's request for a 7-day extension to file a response.

j. July 7, 2015: Judge Kelly filed a response, which noted, "[T]he Order has been completed and has been released to the Parties and/or counsel." Attached was a copy of her order denying DHR's TPR petitions.

k. July 9, 2015: **More than 5 months after the trial**, Judge Kelly filed the order denying the petitions.

l. July 13, 2015: The Court denied DHR's mandamus petition as moot.

m. Apr. 15, 2016: After DHR's timely appeal, the Court of Civil Appeals reversed Judge Kelly's denial of DHR's TPR petitions and remanded with instructions to Judge Kelly to enter orders terminating the parental rights of the parents. Montgomery County Dept. of Human Resources v. A.S.N., 206 So. 3d 661 (Ala. Civ. App. 2016).

In the opinion, the Court repeatedly called attention to Judge Kelly's delay:

> For reasons unclear from the record, the termination-of-parental-rights trial was not held until February 5, 2015, over two years after the petitions were initially filed.
>
> * * * *
>
> The juvenile court did not comply with § 12-15-320(a), which requires that a judgment in a termination-of-parental-rights action be entered within 30 days of the completion of trial. DHR twice requested the juvenile court to enter its judgments; only after DHR filed a petition for the writ of mandamus in this court in June 2015, and after this court ordered that the juvenile court answer that petition, did the juvenile court render and enter its judgments.

Id., at 664, 668.

In conclusion, the Court of Civil Appeals noted, "In light of the length of time this matter has been pending in the juvenile court, we further instruct the juvenile court to enter the judgment in each case in an expeditious manner." Id., at 675.

Rather than expeditiously enter an order granting the TPR petitions as instructed, Judge Kelly set a hearing for April 27, 2016.

n. Apr. 26, 2016: DHR filed a proposed order for Judge Kelly's signature.

o. Apr. 27, 2016: A hearing was held, and DHR again provided Judge Kelly the proposed order.

p. May 3, 2016: Judge Kelly entered an order granting the TPR petitions. However, her order failed to award DHR permanent legal custody of the children.

q. May 5, 2016: DHR filed a **petition for a writ of mandamus** in the Court of Civil Appeals (No. 2150651), asking the Court to direct Judge Kelly to enter a proper TPR order. The petition alleged her order was deficient in 6 areas, including failure to identify the parents by name and failure to find the children dependent.

r. May 12, 2016: **Almost 27 months after DHR's filing of the TPR petitions**, Judge Kelly rendered an effective order by amending her initial TPR order to specifically award permanent legal custody of the minor children to DHR.

   That same date, Judge Kelly filed a response to DHR's mandamus petition. She claimed she "complied with the verbatim Order of the [Court of Civil Appeals]." She also claimed she "did not deviate to the right or left of what was specifically written in the majority opinion. In other words, the undersigned did exactly what the [Court] directed."

s. July 8, 2016: The Court dismissed the mandamus petition as moot in part due to Judge Kelly's May 12, 2016 amended order and denied it in part. Montgomery County Department of Human Resources v. A.S.N., 215 So. 3d 582 (Ala. Civ. App. 2016). However, the Court—in an unusual measure—noted the following:

> [W]e would be remiss if we did not also note that the juvenile judge has, in the past, engaged in a pattern and practice of failing to comply with statutory requirements only to take steps to comply after DHR has filed a petition for the writ of mandamus with this court. In no less than five cases in the last year, DHR has sought this court's intervention to direct the juvenile judge to comply with the time requirements set out in Ala. Code 1975, § 12-15-320(a), and to either set a termination-of-parental-rights trial or to enter a termination-of-parental-rights judgment. [Citations omitted.] All but one of those petitions had

> been mooted by the action of the juvenile judge upon her receipt of the petition; one petition was not mooted only because the juvenile judge thought that she required our permission or instruction to enter the requested termination-of-parental-rights judgment while the petition for the writ of mandamus was pending before this court. Deliberate or not, the juvenile judge's continued neglect of her duty to comply with the statutorily prescribed time requirements and to enter proper and compliant judgments unless and until threatened with the supervisory action of this court causes the members of this court great concern.

Id., at 583-84(emphasis added).

41. Often, children in DHR custody were rescued from life-threatening situations, and finding them a permanent and safe home is of paramount importance. In one such instance, In the Matter of M.D., JU-2012-703.01/.02/.03, a months-old child was placed in DHR custody after the child's release from the hospital where the child had been treated for injuries indicative of child abuse/neglect. Fortunately, the child was eventually adopted by his/her foster parents, but not before Judge Kelly delayed issuing a final order in DHR's TPR petition until **69 days** after the trial, as seen below:

a. Aug. 18, 2012: The 3-month-old child was placed in DHR custody after the child's release from the hospital.

b. Aug. 21, 2012: The child's great-grandmother filed a petition for temporary custody at DHR's suggestion. Following a shelter-care hearing, a referee entered an order continuing shelter care in foster care, and filed her finding and recommendation noting the parties agreed for the mother to undergo a psychological evaluation due to the nature of the child's injuries and the mother's mental-health history.

c. Sept. 25, 2012: **More than one month later**, Judge Kelly ratified the referee's order.

d. Sept. 27, 2012: The child's GAL filed a motion for a psychological evaluation of the great-grandmother.

e. Oct. 3, 2012: DHR filed a motion for paternity testing.

f. Nov. 7, 2012: **More than one month later**, Judge Kelly granted DHR's motion. Judge Kelly also ratified the referee's Aug. 21, 2012 finding and recommendation.

g. Dec. 10, 2012: The GAL filed a renewed motion for a psychological evaluation of the great-grandmother.

h. Dec. 18, 2012: The mother's psychological evaluation was completed.

i. Jan. 2, 2013: DHR filed a response to the GAL's renewed motion, offering no objection.

j. Jan. 9, 2013: **Over 3 months after the first request**, Judge Kelly granted the GAL's renewed motion via the handwritten notation "Granted" on the motion.

k. Jan. 10, 2013: The GAL filed a motion to order psychological evaluation of the mother. (The record

is unclear why the GAL was unaware of the mother's Dec. evaluation.)

l. Jan. 29, 2013: The great-grandmother's psychological evaluation was completed.

m. Feb. 6, 2013: **Nearly one month later**, Judge Kelly issued an order granting the GAL's motion, ordering the mother or her counsel to immediately schedule a psychological evaluation.

n. Feb. 20, 2013: A permanency hearing was held.

o. Mar. 18, 2013: Judge Kelly filed an order maintaining the status quo and setting the final hearing for Aug. 7, 2013.

p. Aug. 7, 2013: A permanency hearing was held, and the matter was reset for Jan. 15, 2014.

q. Jan. 15, 2014: A hearing was held. The great-grandmother moved for her petition for custody be dismissed.

r. Jan. 24, 2014: DHR filed a TPR petition.

s. Feb. 5, 2014: Judge Kelly issued an order granting the great-grandmother's motion to dismiss her custody petition and resetting the final hearing for Apr. 30, 2014.

t. Apr. 22, 2014: DHR filed a notice with the mother's current address and requested she be served notice of the Apr. 30, 2014 hearing.

u. The record is unclear if a hearing was held on Apr. 30, 2014.

v. Aug. 20, 2014: The TPR trial was completed.

w. Oct. 23, 2014: DHR filed "**Motion for Entry of Order.**"

x. Oct. 27, 2014: **69 days after the trial was completed**, Judge Kelly entered an order terminating parental rights.

y. Dec. 22, 2014: Less than 2 months later, the child was legally adopted by the child's foster parents.

42. Additional cases in which Judge Kelly issued the TPR order outside the statutory 30-day window include:

a. In the Matter of R.K., JU-1998-884.02: Order issued on Dec. 18, 2012, **62 days** after the trial concluded on Oct. 17, 2012.

b. In the Matter of J.D., JU-2012-297.04: Order issued on Sept. 17, 2014, **42 days** after the trial concluded on Aug. 6, 2014. DHR filed a **motion for order** on Sept. 16, 2014.

c. In the Matter of A.P., JU-2013-289: Order issued on June 25, 2014, **49 days** after the trial concluded on May 7, 2014.

d. In the Matters of M.J., M.J., & M.H., JU-2012-262.01, JU-09-114.03, and JU-09-115.03: Order issued on Feb. 6, 2013, **163 days** after the trial concluded on Sept. 26, 2012. The children's grandmother, who was granted custody of the children in Aug. 2010 and wished to adopt them, filed the petitions on Mar. 8, 2012.

4. Other Delays in Rulings in TPR Cases

43. As is apparent in case summaries above, Judge Kelly exacerbated her delays in the statutory-mandated periods for TPR trials and final orders by delaying ruling on perfunctory motions, such as motions for perfection of service by publication and affidavits of substantial hardship.

44. As further example, see In the Matter of J.J., JU-2015-196.01. In the 28 months it has been pending, 15 months of unnecessary delays are directly attributable to Judge Kelly: 5 months' delay in ruling on the petitioner's affidavit of substantial hardship; 7 months' delay in correcting her first TPR order; and 3 months' delay in ruling on the motion for service by publication. These delays are as follows:

a. Mar. 26, 2015: The child's grandfather filed a TPR petition and an affidavit of substantial hardship, requesting waiver of docketing and service fees and appointment of an attorney.

b. Aug. 18, 2015: **Nearly 5 months later**, Judge Kelly granted the grandfather's affidavit, waived the prepayment of docket fees, and appointed him counsel.

c. Sept. 8, 2015: The petition was finally docketed to be heard on Dec. 2, 2015.

d. Feb. 10, 2016: The TPR trial was completed.

e. Mar. 2, 2016: Judge Kelly issued an order terminating the parental rights of the mother and the unknown father.

f. June 17, 2016: The child's GAL filed a motion to correct clerical errors in the TPR final order, noting several references to an incorrect name.

g. Oct. 6, 2016: **7 months after her original order,** Judge Kelly withdrew her order terminating the unknown father's parental rights because the unknown father had not been properly served. She directed counsel for the unknown father to "ensure service by Publication" and "notice the Court for setting of a final hearing."

h. Dec. 7, 2016: Counsel for the unknown father filed a motion to serve the unknown father by publication and a supporting affidavit.

i. Dec. 14, 2016: Judge Kelly issued an ineffective order consisting solely of her handwritten notation "Granted," signature, and date on the motion for publication.

j. Mar. 14, 2017: **3 months later**, Judge Kelly issued an order for publication with the required findings—2 years since the petition was filed.

45. As seen in other summaries, some delays are attributable to Judge Kelly's failure to comply with the simple requirements for an effective order for publication of service. For another example, in In the Matter of J.C., JU-2012-305.02, Judge Kelly failed or refused to timely rule on several pending motions for service by publication,

delaying the child's adoption for at least 8 months, as seen below:

a. Nov. 2, 2012: DHR filed a TPR petition. DHR requested personal service on the mother and service by publication of the alleged father and any unknown fathers of the child.

b. May 15, 2013: **Over 6 months later**, Judge Kelly issued an order of service by publication. The final hearing was set for Nov. 15, 2013—a year after the petition was filed.

c. June 29, 2013: The mother was personally served.

d. July 15, 2013: DHR filed a motion to amend the TPR petition to allege abandonment. The record is unclear if/when Judge Kelly ruled on this motion.

e. July 23, 2013: DHR filed a motion for service by publication on the mother, alleging her whereabouts were unknown and the child had been abandoned.

f. Aug. 26, 2013: DHR filed a **renewed motion for service by publication** on the mother.

g. Sept. 20, 2013: **2 months after the 1st motion**, Judge Kelly issued an order of publication for service on the mother.

h. Nov. 20, 2013: The final hearing was held.

i. Dec. 17, 2013: Judge Kelly issued an order (dated Dec. 6, 2013) terminating parental rights.

j. Jan. 15, 2014: The child was formally adopted by his/her foster parents—14 months after the TPR petition was filed, over 8 of which are attributable

to Judge Kelly's delay in ruling on motions for service by publication.

46. In In the Matter of A.M., JU-2012-534.01, Judge Kelly **took nearly 16 months** to adjudicate the mother's TPR petition as to the father who was incarcerated in federal prison on child pornography convictions, as seen below:

a. May 24, 2012: Mother filed a TPR petition to terminate the father's parental rights on the grounds that the father was incarcerated on child pornography convictions.

b. July 26, 2012: TPR hearing was set for Nov. 7, 2012.

c. Aug. 10, 2012: The father was served with the petition and a waiver with which he recorded his opposition to the petition and his intention to attend the Nov. 7 hearing.

d. Nov. 7, 2012: Judge Kelly reset the TPR hearing for Mar. 6, 2013.

e. Mar. 6, 2013: The father filed a motion to continue that day's hearing as he had a writ, filed 2 days earlier, that could allegedly result in his release. Judge Kelly granted his motion to continue that day.

f. Mar. 27, 2013: Judge Kelly reset the TPR hearing for Aug. 21, 2013.

g. Aug. 21, 2013: **More than 1 year after service**, the TPR hearing was completed. The father was not present.

h. Sept. 13, 2013: **Nearly 16 months after the TPR petition was filed**, Judge Kelly issued an order terminating the father's parental rights.

47. After eventually denying DHR's TPR petition after multiple delays in In the Matter of J.S., JU-2009-913.04, examined in detail in para. 32, Judge Kelly again failed to expedite the adjudication of a subsequent, still-pending TPR petition in In the Matter of J.S., JU-2009-913.05, as shown below:

a. Dec. 30, 2016: DHR filed a TPR petition, alleging the child had been abandoned by both parents.

b. Jan. 31, 2017: DHR filed a motion for service by publication, alleging the whereabouts of the mother, the alleged father, and any unknown fathers were unknown. DHR also filed a proposed order with all the information required for newspaper publication.

c. Feb. 3, 2017: Judge Kelly entered an order for opposing counsel to respond to DHR's motion within 3 days.

d. Feb. 10, 2017: Counsel for the unknown father filed a response to DHR's motion, offering no objection.

e. Feb. 16, 2017: Judge Kelly granted DHR's publication motion via a handwritten notation of "Granted" on the motion.

f. Feb. 25, 2017: DHR notified Judge Kelly that the newspaper would not accept her order because it lacked basic information, including the child's name, the persons to be served, and the date of the hearing. DHR simultaneously filed another proposed order.

g. Mar. 3, 2017: Judge Kelly issued a publication order and set the TPR trial for June 19, 2017.

h. June 19, 2017: The TPR trial was completed. Judge Kelly entered an order requiring DHR to provide legal support for the admission of several exhibits within 14 days, and allowing opposing counsel to respond within 7 days of DHR's submission. Her order further stated: "Matter taken under advisement upon receipt of supporting/opposing authority. Order to be released with 30 days of submission from counsel."

i. July 4, 2017: DHR filed a brief, which stated that "no party objected to the admission of the exhibits and in fact stipulated to the admission after discussion with the Court" and that "the question regarding the admissibility of a document where the parties stipulate to the admission appears to be one of first impression."

j. July 18, 2017: DHR filed a **motion for order**.

k. July 19, 2017: Judge Kelly issued an order denying the TPR petition.

B. Juvenile-Delinquency Cases

48. Judge Kelly's pattern and practice of unreasonable and unjustifiable delay extend to her handling of juvenile-delinquency cases.

49. Juvenile-delinquency cases are typically straight-forward. When a child is taken into custody without a court order, the child is immediately released to a parent or guardian unless the child has no suitable person able and willing to take the child; is a clear and substantial threat to the person or property of others or to the child; has a history of failing to appear; or is alleged to be

delinquent for possession of certain firearms. § 12-15-128. If the child is not released from detention, a petition must be filed and a hearing held within 72 hours to determine probable cause and whether continued detention is required. § 12-15-207(a). The juvenile court may continue the dispositional hearing for a reasonable period to receive reports and other evidence bearing on the disposition or need for care or rehabilitation. § 12-15-212(e).

50. Continuances should be granted only for good cause and only for so long as necessary, and they should take into account the interest of the public in the prompt disposition of cases and whether the child is being detained. § 12-15-68.

51. Lack of swift administration of justice for a juvenile can cause significant harm to the innocent, e.g., emotional, schooling, etc. As for the guilty, it ensures the juvenile's lack of respect for the law and the justice system, and it exposes the public to a potential repeat offender.

52. Judge Kelly's failure to establish an effective system of review of pending matters and refusal or

inability to expeditiously dispose of cases has resulted in delinquency cases pending for years. The following are a few examples of such delays:

53. In the Matter of M.W., JU-2012-751.05

a. Apr. 29, 2015: Charge filed against M.W. for shoplifting.

b. Feb. 29, 2016: Case assigned to Judge Kelly and set for disposition for Mar. 23, 2016.

c. Mar. 23, 2016: Case reset for May 11, 2016.

d. May 11, 2016: M.W. admitted guilt and was sentenced to 6 months' probation.

e. Aug. 11, 2016: M.W.'s probation officer requested a formal review due to M.W.'s failure to abide by terms of his/her probation.

f. Oct. 5, 2016: Judge Kelly held a formal review and extended probation 3 months.

g. Nov. 18, 2016: M.W.'s probation officer submitted an administrative review report to Judge Kelly, reporting that M.W. continued to be uncooperative and requesting guidance as to how to proceed.

h. Feb. 7, 2017: Nearly 3 months later, after no response from Judge Kelly, the probation officer submitted a **second administrative review**. The document notified Judge Kelly that M.W.'s probation was set to end 4 days later, incorporated the Nov. administrative review, and requested "guidance from the court to see if the court wishes to continue this probation or allows M[.]'s time to end without further action."

i. Feb. 13, 2017: A hearing was set for Feb. 15, 2017.

j. Feb. 17, 2017: Judge Kelly's bench notes from the Feb. 15, 2017 hearing were filed, noting there was no service on M.W. or guardian and resetting upon receipt of better address.

k. This matter is still pending.

54. In the Matter of R.J., JU-2010-17.06/.07

a. Dec. 27, 2011: Complaints and petitions were filed against R.J. for 3rd degree burglary and 1st degree theft.

b. Jan. 2, 2012: The cases were assigned to Judge Kelly.

c. Jan. 5, 2012: Initial appearance was set for Feb. 22, 2012.

d. Feb. 22, 2012: Judge Kelly entered an order for the district attorney ("DA") to provide an address for service within 30 days.

e. March 5, 2012: After receiving a new address from the DA, Judge Kelly set the initial appearance for Apr. 11, 2012.

f. Apr. 11, 2012: Judge Kelly entered a note, "No action taken, waiting on address from DA's office."

g. This is the last entry in this matter. It remains active and pending.

55. In the Matter of T.S., JU-2014-691.01/.02

a. Sept. 23, 2014: Complaints and petitions were filed against T.S., alleging several counts of attempted theft.

b. Oct. 28, 2014: .01 was assigned to Judge Kelly.

c. Dec. 10, 2014: .02 was assigned to Judge Kelly, and the initial appearance was set for Jan. 7, 2015.

d. Jan. 7, 2015: A referee, upon the finding that the notation on the return for service on the juvenile was "vacant," recommended referral to the DA for a better address.

e. Judge Kelly never signed this recommendation, and the case remains active and pending.

C. Permanency and Dependency Cases

56. As discussed above, Alabama law requires that within 12 months of the date a child is removed from the home and placed in out-of-home care, and every 12 months thereafter during the continuation of the child in out-of-home care, the juvenile court shall hold a permanency hearing. § 12-15-315(a). At each permanency hearing, DHR "shall present to the juvenile court a permanent plan for the child."

57. The following cases serve as examples of Judge Kelly's pattern and practice of delay in scheduling permanency/dependency matters and issuing the requisite orders:

58. In the Matters of W.T., E.P., & A.P., JU-2000-1245.07, JU-2000-1246.02, and JU-2013-427.01

a. May - Aug. 2013: DHR filed dependency petitions for the 3 children.

b. Aug. 8, 2013: (JU-2000-1245) An expedited hearing on DHR's dependency petition was held.

c. Sept. 19, 2013: (JU-2000-1245) **6 weeks later**, Judge Kelly adjudicated W.T. dependent.

d. Oct. 22, 2013: Judge Kelly filed a consent order adopting an agreement between the parties for placement of the children, which continued a previously-entered Boarding Home Agreement for 2 of the 3 children (the third child was in juvenile detention).

e. Dec. 17, 2013: (JU-2013-427; JU-2000-1244) DHR filed "**Motion for a Hearing to be Set Prior to February 12, 2014,**" noting that the agreement was set to expire on or about Feb. 12, 2014, and DHR would need to be granted temporary legal custody for the 2 children to remain in their current placements for funding purposes.

f. Jan. 30, 2014: (JU-2013-427; JU-2000-1244[11]) Nearly 6 weeks later, DHR and the GAL filed "**Joint Emergency Motion for a Consent Order of *Pendente Lite* Custody to DHR.**"

g. Feb. 4, 2014: (JU-2013-427; JU-2000-1244[12]) Judge Kelly filed 2 orders: DHR's Dec. 17, 2013 motion for a hearing was re-filed with a handwritten notation "granted," Judge Kelly's signature, and dated Jan. 24, 2014; and a consent order, dated

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[11] Mislabeled as "CASE NO: JU-2012-44.02" in the case styling.

[12] Consent Order mislabeled as "CASE NO: JU-2012-44.02" in the case styling.

Jan. 31, 2014, granting DHR's request for temporary legal custody of the 2 children to remain in their current placements. The latter order specifically ordered, "That A.P. and E.P. are dependent as defined by Alabama Code 1975, §12-15-102(8)."

h. May 19, 2014: Final hearing set for Aug. 6, 2014.

i. Aug. 6, 2014: The permanency hearing for all 3 children began, but was continued for lack of time.

j. Dec. 9, 2014: DHR filed a motion for court date to conclude the previously-continued permanency hearing.

k. Dec. 10, 2014: Judge Kelly set the final hearing for Jan. 7, 2015.

l. Jan. 9, 2015: Judge Kelly set the final hearing for Jan. 20, 2015.

m. Jan. 20, 2015: A hearing was held in which DHR argued Judge Kelly's Jan. 31, 2014 Consent Order was an adjudication of dependency in JU-2013-427 and JU-2000-1244 (A.P. and E.P.). Judge Kelly rejected that argument, despite finding 1 child dependent on Sept. 19, 2013, and the other 2 children dependent on Feb. 4, 2014, and testimony was taken.

n. Apr. 17, 2015: (JU-2013-427; JU-2000-1245) DHR filed several **motions for trial date and motions for permanency hearing**. DHR noted "[t]his case has been set for trial on a number of occasions where testimony was considered by the court" and that testimony was not completed on the most recent trial date, Jan. 20, 2015. In JU-2013-427, DHR asserted that it considered the Jan. 31, 2014

Consent Order an order of dependency, but "this Court held on January 20, 2015 that there had been [no] finding of dependency."[13]

o. May 20, 2015: Judge Kelly set the final hearing for June 24, 2015.

p. June 23, 2015: Judge Kelly set the final hearing for July 1, 2015.

q. June 25, 2015: Judge Kelly set the final hearing for Aug. 19, 2015.

r. Jan. 27, 2016: (JU-2013-427; JU-2000-1245) DHR filed "**Motion for Trial Date and Motion for Permanency Hearing**." DHR noted "[t]his case has been set for trial on a number of occasions where testimony was considered by the court;" that testimony was not completed on the most recent trial date, July 1, 2015; and the issue of the children's dependency had been pending for 2 years.

s. Jan. 28, 2016: Judge Kelly set the final hearing for Mar. 30, 2016.

t. Mar. 25, 2016: Judge Kelly set the final hearing for Apr. 20, 2016.

u. May 11, 2016: Judge Kelly set the final hearing for June 8, 2016.

v. Oct. 7, 2016: Judge Kelly set the final hearing for Jan. 9, 2017.

w. Jan. 9, 2017: Testimony was completed.

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[13] Based on context and the later adjudication of dependency, it appears DHR intended to assert that Judge Kelly had held there had been "no finding of dependency."

x. Feb. 14, 2017: **More than 3 years after initially declaring the 3 children dependent, more than 2 1/2 years after the hearing started, more than 1 month after the hearings concluded, and approximately 3 1/2 years after DHR filed the complaints alleging dependency**, Judge Kelly issued an order finding all 3 children dependent.

59. In the Matter of D.G., JU-2008-985.02

a. Sept. 9, 2016: The child's aunt filed "Motion for Ex Parte Removal of Physical Custody of the Minor Child," alleging the child was in danger in the custody of the child's mother's boyfriend.

b. Sept. 13, 2016: Judge Kelly issued an ex-parte order granting the aunt temporary custody. A review hearing was set for Sept. 16, 2016.

c. Sept. 16, 2016: At the hearing, Judge Kelly took the custody issue under advisement until the following Monday, Sept. 19, 2016.

d. Oct. 17, 2016: **More than 1 month after the hearing**, Judge Kelly entered an order on the Sept. 16 hearing, directing the GAL to submit a report on the child's educational needs, encouraging the mother to participate in parenting and anger-management classes, and ordering the child returned to the mother on Dec. 23, 2016, if the mother made adequate progress. A review hearing was set for Nov. 30, 2016.

e. Nov. 30, 2016: A review hearing was held.

f. Jan. 9, 2017: **More than 1 month after the hearing**, Judge Kelly entered an order finding the mother had made adequate progress and ordering the

child's return to the mother's care no later than Dec. 23, 2016.[14]

60. In the Matter of A.L., JU-2016-511.01

a. June 24, 2016: A 3-year-old child's grandmother filed a petition for custody, alleging that the child's mother was incapable of providing for the child and that the child's father had injured the child. The grandmother concurrently filed an affidavit of substantial hardship, requesting waiver of docket fees. (The affidavit was scanned into Alacourt on July 17, 2016.)

b. Mar. 29, 2017: **More than 9 months later**, Judge Kelly denied the grandmother's hardship request. The case was pending with no hearing date set until Judge Kelly ruled on this request.

c. May 24, 2017: **11 months after the petition was filed**, a hearing was held. The grandmother requested the petition be dismissed.

d. June 1, 2017: The GAL submitted a proposed order to Judge Kelly's proposed-order queue.

e. The matter is still pending as of June 30, 2017.

61. In the Matter of K.W., JU-2008-93.01/.04

a. Nov. 28, 2012: A dispositional review hearing was held.

b. Jan. 9, 2013: **Nearly 6 weeks later**, Judge Kelly entered an order.

[14] These dates are accurate. Judge Kelly's January 9, 2017 order ordered the child's return to the mother's care no later than December 23, 2016.

c. Mar. 5, 2014: A permanency hearing was held.

d. Nov. 7, 2014: DHR filed "**Motion for Entry of Permanency Order.**"

e. Jan. 31, 2015: **Nearly 11 months after the hearing and nearly 3 months after DHR's motion for an order**, Judge Kelly entered a permanency order.

f. July 8, 2015: A permanency hearing was held.

g. Sept. 4, 2015: **Nearly 2 months later**, Judge Kelly issued a permanency order.

62. In the Matter of K.E., JU-2013-994.01

a. Dec. 10, 2013: DHR filed a petition of dependency and for temporary custody of a child after her father kicked her out of his house and her mother was unwilling or unable to take custody. A referee entered a finding that DHR had made reasonable efforts to reunite child with family, that a pending pick-up order would be continued, and that it was in the child's best interest to remain in DHR's custody. The case was assigned to Judge Kelly.

b. Feb. 26, 2014: **More than 2 months later**, Judge Kelly ratified the referee's findings.

c. May 14, 2014: Dependency hearing was reset to June 18, 2014, after "father's car broke down."

d. June 18, 2014: Final hearing on DHR's petition for temporary legal custody was held.

e. July 30, 2014: **More than 7 months after DHR filed the petition and nearly 6 weeks after the hearing**, Judge Kelly entered an order finding the child

dependent and continuing DHR's temporary legal custody.

63. In the Matters of S.A., K., S., A. & M.C., JU-2013-942, JU-2013-937, JU-2013-938, JU-2013-939, and JU-2013-941

a. May 21, 2014: Hearing held on dependency petitions. Prior to the hearing, all parties notified Judge Kelly that an agreement had been reached.

b. July 31, 2014: **More than 2 months after the hearing**, Judge Kelly entered an order granting the JU-2013-938 dependency petition and maintaining custody with DHR for the other children.

c. July 29, 2015: Permanency hearing was held.

d. Feb. 17, 2016: **Nearly 6 months later**, Judge Kelly filed a permanency order finding all 4 children dependent.

e. Dec. 19, 2016: (JU-2013-937, JU-2013-939, JU-2013-941) DHR filed "**Motion to Schedule Permanency Hearing.**" That same day, a permanency hearing was set for Feb. 15, 2017.

f. Feb. 15, 2017: (JU-2013-937, JU-2013-939, JU-2013-941) Permanency hearing was held.

g. Mar. 22, 2017: (JU-2013-937, JU-2013-939, JU-2013-941) **6 weeks later**, Judge Kelly issued a permanency order.

64. In the Matter of G.M., JU-2011-774.07

a. Sept. 14, 2013: Permanency hearing was held.

b. Oct. 22, 2013: **More than 1 month later**, Judge Kelly issued the permanency order (dated Oct. 9, 2013).

c. Sept. 2014: Per §12-15-315(a), a permanency hearing should have been held.

d. Dec. 9, 2015: Permanency hearing was held.

e. Feb. 5, 2016: **Nearly 2 months later**, Judge Kelly issued a permanency order.

f. Apr. 27, 2016: A hearing was held on DHR's "Monthly Family Report" submission.

g. June 8, 2016: The GAL filed a proposed order.

h. Sept. 8, 2016: **Nearly 5 months after the hearing, and 3 months after the GAL filed a proposed order**, Judge Kelly issued an order establishing a visitation regimen between the child and the child's sibling.

65. In the Matters of M., C., D., & G.D., & D.L.N., JU-2013-30, JU-2013-31, JU-2013-32, JU-2013-33, and JU-2013-524

a. Mar. 19, 2014: A permanency hearing was held and testimony was taken, but the hearing was continued.

b. Apr. 2014: Per §12-15-315(a), a permanency hearing should have been completed.

c. June 5, 2014: DHR filed "**Motion for a Permanency Hearing Order, or in the alternative, Motion to Set for Permanency Hearing.**"

d. Aug. 6, 2014: Bench notes, apparently initialed by Judge Kelly, state "Permanency hearing not completed in March of 2014."

e. The record is unclear, but it appears another permanency hearing was held on Dec. 17, 2014.

f. Feb. 5, 2015: **Nearly 11 months after the initial hearing**, Judge Kelly issued the order.

g. Oct. 29, 2015: After a hearing on DHR's dependency petitions for all 5 children, the referee signed a recommendation to deny the petitions and close the matters.

h. Jan. 7, 2016: The referee signed and submitted an order memorializing an agreement reached between the parties.

i. Feb. 3, 2016: Judge Kelly ratified both. The ratified recommendation and order were given legal effect on Feb. 4, 2016, when they were e-filed more than 3 months following the hearing.

66. In the Matter of D.J., JU-2016-481.01

a. June 21, 2016: The child's aunt filed a petition for custody, claiming DHR placed the child with her when the child's mother was incarcerated.

b. Aug. 12, 2016: A status hearing was set for Aug. 24, 2016.

c. Aug. 24, 2016: A hearing was held, but the record is unclear whether any testimony was taken.

d. Jan. 5, 2017: The child's GAL filed "**Motion to Schedule Final Hearing**," noting the child remained

in the care of the aunt and the status of the child's parents had not improved.

e. Mar. 10, 2017: **More than 2 months after the GAL's motion**, Judge Kelly set a hearing for May 24, 2017.

67. In the Matter of Q.T., JU-15-335.01

a. Sept. 23, 2015: Dependency hearing was held.

b. Dec. 11, 2015: Judge Kelly issued an order rescheduling dependency hearing and appointing the mother an attorney.

c. Feb. 3, 2016: Dependency hearing was held.

d. Feb. 5, 2016: DHR submitted a proposed dependency order.

e. Mar. 15, 2016: DHR filed "**Motion for Entry of Dependency Order.**" DHR noted that the parties had reached an agreement on all issues prior to the Feb. 3 hearing, the agreement and parties' consent were placed on the record at the hearing, Judge Kelly had ordered DHR counsel to provide a proposed order pursuant to the agreement, and that proposed order was provided on Feb. 5.

f. Apr. 14, 2016 – **More than 2 months after the hearing, and nearly one month after DHR's motion for an order**, Judge Kelly entered an order nearly identical to DHR's proposed order.

III. Delays in Domestic-Relations Cases

68. Judge Kelly's pattern and practice of unreasonable and unjustifiable delays extend to all aspects of domestic relations. Divorces, child support, and protection-from-

abuse petitions ("PFA's") have been persistently thwarted with protracted and pervasive delays in Judge Kelly's courtroom, despite numerous reminders by attorneys and litigants that matters were pending. Her delays have had significant and palpable impact on litigants, both financially and emotionally, and prevent timely resolution of disputes that profoundly affect the lives of those, in particular children, whose interests were before her court.

A. Uncontested Divorces

69. Judge Kelly has engaged in a pattern and practice of failing or refusing to issue a timely order in uncontested divorce proceedings. Normally, parties in an uncontested divorce concurrently file a complaint, answer and waiver, and settlement agreement. If necessary, the parties will file various affidavits and other documentation concerning child support, custody, etc. The parties also typically file a proposed judgment of divorce for the judge to complete and sign.

70. When the clerk accepts the uncontested-divorce documentation as sufficient, the judge's only duties are to review the submitted paperwork, fill out the proposed orders, and sign.

71. The following cases are common examples of Judge Kelly's unreasonable and unjustifiable pattern and practice of delay in processing uncontested divorces.

72. Williams v. Williams, DR-2014-900183

a. Mar. 3 – 5, 2014: The husband and wife filed a complaint for divorce, settlement agreement, answer and waiver, a proposed order, and all other necessary documentation. The husband also filed a motion to enter a final divorce decree.

b. Mar. 25, 2014: Judge Kelly entered an order setting a review hearing for May 19, 2014.

c. May 19, 2014: The hearing was held.

d. Aug. 5, 2014: Nearly 5 months after filing, the husband filed "**Renewed Motion to Enter Final Decree**," noting that both parties were present at the May 19 hearing and the wife testified and confirmed in writing she agreed with the settlement.

e. Oct. 1, 2014: **Nearly 5 months after the hearing and 2 months after the husband's motion**, Judge Kelly entered the final decree.

73. Tate v. Tate, DR-2016-180

a. Apr. 5, 2016: The husband and wife filed a complaint for divorce, settlement agreement, and answer and waiver of acceptance of service. The husband also filed "Motion to Waive Attendance" and "Motion for Appointment of a Commission" to take his testimony, as he was incarcerated at the time of filing.

b. Jan. 31, 2017: **Nearly 10 months after filing**, Judge Kelly granted the husband's "Motion to Waive

Attendance" and "Motion for Appointment of a Commission," but did not specify a commissioner.

c. Mar. 28, 2017: Judge Kelly entered an order appointing a commissioner for the incarcerated husband.

d. Apr. 4, 2017: The wife filed another answer, stating "I . . . do agree and wish not to have a court date."

e. June 22, 2017: **More than 14 months after filing**, Judge Kelly issued a deficiency notice.

f. Nov. 17, 2017: The wife filed a motion for more time to cure the filing deficiencies, noting her husband had been sent to another prison and the paperwork had been sent to his old prison.

g. Nov. 28, 2017: Judge Johnny Hardwick[15] granted the wife's motion for additional time.

74. Smith v. Gholston, DR-2014-900561

a. June 23, 2014: All necessary documents were filed, and the matter was assigned to Judge Kelly. A proposed order was submitted to Judge Kelly's proposed-order queue.

b. June 25, 2014: The wife filed a motion to withdraw the settlement agreement. The husband filed a motion in opposition that same day.

c. Dec. 16, 2014: **Nearly 6 months later**, Judge Kelly issued an order setting the final hearing for Feb. 9, 2015.

[15] Judge Johnny Hardwick, Montgomery County Circuit Court Presiding Judge, upon information and belief, assumed Judge Kelly's Domestic Relations docket upon her suspension after the filing of the Complaint in the instant matter.

d. Feb. 9, 2015: The hearing was held.

e. Feb. 19, 2015: The husband filed "**Motion to Enter Final Order.**"

f. Mar. 5, 2015: Judge Kelly entered a final decree.

75. Couch v, Couch, DR-2011-490

a. May 16, 2011: The husband filed a complaint for divorce, pro se, alleging no children of the marriage and the couple had been living separately.

b. June 30, 2011: The wife filed an answer agreeing to an uncontested divorce and affirmatively not disputing the allegations of the complaint.

c. Apr. 26, 2012: **Nearly 10 months later**, Judge Kelly entered an order setting the final hearing set for July 17, 2012.

d. July 12, 2012: The final hearing was held.

e. January 23, 2013: **Six months after the uncontested hearing**, Judge Kelly entered a 1-1/2 page order granting the divorce.

76. Pettaway v Davis, DR-13-900236: Contested Divorce

a. Mar. 11, 2013: The husband filed a complaint for divorce.

b. May 14, 2013: The wife filed an answer and counterclaim.

c. June 6, 2013: The husband filed an answer to the counterclaim.

d. Aug. 12, 2013: Judge Kelly entered an order setting the final hearing for Nov. 26, 2013.

e. Nov. 26, 2013: The hearing was continued at the husband's request.

f. May 6, 2014: **More than 5 months later**, the husband filed a motion for final hearing. The next day, Judge Kelly set the matter for final hearing on July 21, 2014.

g. July 21, 2014: According to Judge Kelly's Sept. 4, 2014 order, a "conflict arose on this Court's calendar" that cancelled this hearing.

h. Sept. 4, 2014: Judge Kelly entered an order setting the final hearing for Sept. 29, 2014.

i. Sept. 12, 2014: The husband's counsel filed a notice of conflict with the Sept. 29, 2014 trial date.

j. Sept. 23, 2014: Judge Kelly reset the matter.

k. Nov. 20, 2014: Judge Kelly entered an order resetting the final hearing for Jan. 12, 2015.

l. Dec. 29, 2014: Judge Kelly entered an order cancelling all hearings scheduled for Jan. 12 and 13, 2015, "due to an unforeseen conflict" on her calendar.

m. Jan. 16, 2015: Judge Kelly entered an order setting the final hearing for Apr. 13, 2015.

n. Apr. 13, 2015: The final hearing was held.

o. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission **more than 9 months before** on Apr. 13, 2015.

p. Mar. 3, 2016: The husband's attorney filed a motion to withdraw, noting the husband did not appear at the final hearing and that Judge Kelly, upon the wife's oral motion, granted her a default judgment against the husband.

q. July 15, 2016: **More than 15 months after the hearing was scheduled**, Judge Kelly entered an order setting a status conference for Sept. 22, 2016. On this date, Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission **more than 15 months before** on Apr. 13, 2015.

r. July 18, 2016: The husband's attorney filed a renewed motion to withdraw and submitted a proposed order to Judge Kelly's proposed-order queue.

s. July 20, 2016: Judge Kelly granted the renewed motion to withdraw.

t. Jan. 31, 2017: **Nearly 4 years after the husband filed his complaint for divorce**, Judge Kelly entered an order setting a hearing for May 8, 2017. On this date, Judge Kelly submitted a 6-month report to AOC but did not include this matter, despite it being under submission **for more than 21 months**.

u. Apr. 25, 2017: **More than 4 years after the complaint was filed and more than 2 years after the final hearing**, the wife filed a motion to dismiss, which Judge Kelly granted 2 days later.

77. Buycks v. Calhoun, DR-2015-240: Contested Divorce

a. May 20, 2015: The wife filed a petition for divorce, declaring there were no minor children, assets, or debts for the Court to divide. The wife filed an affidavit of substantial hardship the same day.

b. Sep. 8, 2015: Judge Kelly filed an order directing the wife to perfect service upon the defendant within 14 days or the matter shall be dismissed.

c. Sep. 16, 2015: **Nearly 4 months later**, Judge Kelly granted the wife's affidavit of substantial hardship. Summons to the defendant were issued the next day.

d. Sep. 22, 2015: Service on the defendant was returned.

e. Dec. 29, 2016: The wife filed an application and affidavit for entry of default against the defendant. That same day, the Circuit Clerk entered default against the defendant, and the wife submitted to Judge Kelly an application and affidavit for entry of default judgement.

f. Sep. 25, 2017: **Nearly 9 months later**, Judge Hardwick entered the final divorce decree.

78. Easter v. Easter, DR-2010-900202: Contested Divorce.

a. Aug. 11, 2010: The husband filed a petition for divorce and custody of the minor child.

b. Dec. 2, 2010: The wife filed an answer.

c. Aug. 30, 2011: The trial was completed.

d. Aug. 31, 2011: The husband alleges in his Dec. 1, 2011 motion for a final decree that he submitted a proposed order on this date by e-mail.

e. Sept. 8, 2011 The wife submitted a proposed order

f. Dec. 1, 2011: **More than 3 months after the trial**, the husband filed his **first** Motion for a Final Decree.

g. Jan. 26, 2012: **Nearly 5 months after the trial**, the husband filed his **second** Motion for a Final Decree and attached a copy of his proposed order filed on August 31.

h. Mar. 8, 2012: **More than 6 months after the trial**, the husband filed his **third** Motion for a Final Decree.

i. Apr. 5, 2012: **More than 7 months after the trial**, the husband filed his **fourth** motion for entry of a final Decree and alleged that, although he has not been with his wife for over a year, he has been notified by Baptist East Hospital in Montgomery that she has recently had a baby that he could not have fathered. He further alleged because a final decree had not been entered this could cause problems for him because the baby was born during the marriage and is presumed to be a child of the marriage.

j. Apr. 13, 2012: **Seven months after the final hearing and after four requests for the entry of a final order**, Judge Kelly entered a final divorce decree.

79. McQueen v. McQueen, DR-2011-900012: Contested Divorce

a. Jan. 21, 2011: The husband filed a complaint for divorce, seeking custody of the minor child and child support.

b. Feb. 8, 2011: The wife filed an answer and counterclaim.

c. Feb. 10, 2011: Judge Kelly entered an order setting the Final Hearing for June 9, 2011.

d. June 6, 2011: The husband filed a motion to continue.

e. June 7, 2011: The wife objected to the husband's motion to continue.

f. June 8, 2011: Judge Kelly granted the motion to continue, resetting the Final Hearing for Oct. 25, 2011.

g. Oct. 25, 2011: The final hearing was held.

h. Feb. 1, 2012: Counsel for the husband submitted a proposed Final Decree, proposed Qualified Domestic Relations Order, and proposed Military Pension Division Order to Judge Kelly's proposed-order queue. Counsel for the wife also submitted a proposed order to Judge Kelly.[16]

i. May 30, 2012: **Seven months after the trial was completed, and nearly 4 months after the parties submitted proposed orders**, the wife filed "Motion for Final Decree of Divorce to Enter", noting the case was tried on Oct. 25, 2011. The motion stated "The Wife has advised the undersigned attorney that she is financially destitute, and without a place to live."

j. July 16, 2012: **Nearly nine months after the trial was completed, and more than 5 months after the parties submitted proposed orders**, the husband filed "Motion for Entry of Final Decree."

k. Aug. 2, 2012: Judge Kelly submitted a 6-month report to AOC, acknowledging this case had been under submission for more than 6 months.[17]

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[16] According to the May 30, 2012 Motion for Final Decree of Divorce to Enter. The wife's proposed order does not appear in the case action summary.

[17] The 6-month report improperly cited this case as being under submission since Jan. 21, 2011, the date the petition was initially filed. This case was actually taken under submission on Oct. 25, 2011, when the trial was completed.

l. Aug. 7, 2012: **More than 10 months after the trial was completed**, Judge Kelly entered a final decree.

80. Jeter v. Jeter, DR-2010-900182: Contested Divorce

a. July 19, 2010: The husband filed a complaint for divorce.

b. July 28, 2010: The wife filed an answer and counterclaim.

c. Aug. 13, 2010: The husband filed an answer to the counterclaim.

d. Aug. 1, 2011: After several party-requested continuances, the final hearing was completed.

e. Aug. 8, 2011: The husband submitted a proposed order to Judge Kelly's proposed-order queue.

f. March 8, 2012: **Seven months from the final hearing and the filing of a proposed order**, Judge Kelly entered the final judgment.

81. McCall v. Moncrief, DR-2015-413: Contested Divorce

a. Aug. 20, 2015: The wife filed a petition for divorce, declaring there were no minor children, assets, or debts for the Court to divide. The wife filed an affidavit of substantial hardship the same day.

b. Nov. 12, 2015: **Nearly 3 months later**, Judge Kelly granted the wife's affidavit of substantial hardship.

c. Dec. 2, 2015: Service on the husband was returned. A hearing was never set.

d. May 25, 2017: The wife filed a motion for default judgment, noting the husband was served **nearly 18**

months earlier on Nov. 30, 2015. This matter remains active.

82. Williams v. Williams, DR-2016-26

a. Jan. 15, 2016: The petitioner filed required documentation, including "CS-47 Child Support Information Sheet." The petitioner concurrently filed an affidavit of substantial hardship.

b. Mar. 9, 2016: Judge Kelly granted the petitioner's affidavit of substantial hardship.

c. Apr. 8, 2016: Judge Kelly issued an order finding the submitted documents insufficient to proceed, specifically noting the alleged lack of the petitioner's CS-47 form filed on Jan. 15.

d. Jan. 12, 2017: The petitioner filed a handwritten motion which read, "I have a case that been [sic] pending since Jan. 20, 2016. Please grant me a divorce and send me a copy of a divorce decree."

e. Feb. 27, 2017: **Over 13 months after filing, and 6 weeks after the petitioner's motion**, Judge Kelly filed a 1-page final decree.

83. The following is a sample of properly-filed uncontested divorces, their filing dates,[18] and the number of days until Judge Kelly entered the requisite final decree of divorce. Cases with the note "proposed order-

[18] For the purpose of this table, the "Filing Date" reflects the date all required documentation was filed, either initially or following a notice of deficiency from the circuit clerk.

queue" were filed with a proposed order on or within several days of the initial filing, which would have appeared in Judge Kelly's AlacourtPlus proposed-order queue.[19] Cases with the note "proposed order" had a proposed order filed, but the proposed order was labeled in a way that it did not appear in Judge Kelly's proposed-order queue.

DR-2013-_____	Filing Date 2013	Order Date	Days To Rule	Notes
000213	Aug. 21	Sept. 23, 2013	33	proposed order—queue
000246	Oct. 2	Nov. 7, 2013	36	proposed order—queue
000308	Sept. 23	Nov. 7, 2013	45	proposed order—queue
000311	Sept. 27	Nov. 7, 2013	41	proposed order—queue
000345	Oct. 11	Dec. 19, 2013	69	proposed order—queue
000433	Dec. 17	Jan. 21, 2014	36	proposed order—queue
000446	Dec. 27	Feb. 20, 2014	56	proposed order
900110	Feb. 4	Mar. 27, 2013	51	proposed order
900120	Feb. 7	Mar. 27, 2013	48	proposed order
900131	Feb. 12	Apr. 18, 2013	65	proposed order
900137	Feb. 13	May 17, 2013	93	
900141	Feb. 14	Mar. 27, 2013	41	proposed order—queue
900150	Feb. 18	Mar. 27, 2013	37	proposed order—queue

[19] AlacourtPlus is used by judges to access and review filings, enter orders, set and manage dockets, and generally manage caseloads. It includes a special program for managing proposed orders. When a proposed order is submitted to the proposed-order queue, the judge is alerted by a flashing notification on the AlacourtPlus page. By accessing her AlacourtPlus page, and checking the appropriate button, Judge Kelly can identify immediately any new case, motions, and/or proposed orders filed.

900155	Feb. 19	Apr. 4, 2013	44	proposed order—queue
900160	Feb. 20	May 17, 2013	86	proposed order
900167	Feb. 20	Apr. 30, 2013	69	proposed order—queue
900171	Feb. 22	May 17, 2013	84	proposed order
900176	Feb. 26	Apr. 18, 2013	51	proposed order—queue
900177	Feb. 27	Apr. 10, 2013	42	proposed order—queue
900204	Mar. 4	May 17, 2013	74	proposed order
900219	Mar. 6	Apr. 17, 2013	72	proposed order
900222	Mar. 6	Apr. 10, 2013	35	proposed order
900225	Mar. 6	Apr. 10, 2013	35	proposed order
900234	Mar. 8	Apr. 10, 2013	33	proposed order—queue
900239	Mar. 11	Apr. 18, 2013	38	proposed order
900247	Mar. 12	May 17, 2013	66	proposed order—queue
900326	Apr. 18	May 17, 2013	29	
900650	July 10	Aug. 27, 2013	48	
900660	July 12	Aug. 23, 2013	42	proposed order
900689	July 22	Aug. 27, 2013	36	
900790	Aug. 19	Oct. 1, 2013	43	proposed order—queue
900797	Aug. 20	Sept. 23, 2013	34	proposed order
900815	Aug. 23	Nov. 7, 2013	76	Oct. 31: Petitioner filed "**Motion for Entry of Final Decree**," noting, "Husband submitted a proposed Final Decree to the Court on August 23, 2013."
900844	Sept. 5	Oct. 10, 2013	35	proposed order
900854	Sept. 9	Nov. 7, 2013	59	proposed order
900866	Sept. 12	Nov. 1, 2013	50	Oct. 25: Petitioner filed proposed order. Judge Kelly set for hearing for Oct. 30, but canceled hearing 1 day later and issued final decree.
900870	Sept. 13	Nov. 7, 2013	55	proposed order—queue
900905	Sept. 25	Nov. 7, 2013	43	proposed order—queue
900913	Sept. 26	Nov. 7, 2013	42	proposed order
900922	Sept. 30	Nov. 7, 2013	38	proposed order

900929	Oct. 1	Nov. 7, 2013	37	
900934	Oct. 3	Nov. 7, 2013	35	proposed order
900940	Oct. 4	Nov. 22, 2013	49	Oct. 9: Judge Kelly granted petitioner's affidavit of substantial hardship.
900974	Oct. 15	Dec. 18, 2013	64	proposed order—queue
901085	Dec. 30	Feb. 13, 2014	45	proposed order
901088	Jan. 2	Feb. 13, 2014	42	proposed order
901152	Dec. 16	Mar. 11, 2014	85	proposed order—queue
901155	Dec. 18	Feb. 13, 2014	57	Feb. 13: Petitioner filed "**Motion for Final Divorce Decree**" and proposed order. He noted that all required documents were filed on Dec. 18 and he needed final decree for scheduled refinancing-marital-residence closing.
901167	Dec. 20	Mar. 11, 2014	81	Jan. 3: proposed order—queue. Mar. 11: Petitioner filed "**Motion for Entry of Final Decree of Divorce**" and 2nd proposed order.
901176	Dec. 30	Feb. 13, 2014	45	proposed order
901182	Dec. 31	Mar. 14, 2014	73	proposed order
DR-2014-_____	**Filing Date 2014**	**Order Date**	**Days To Rule**	**Notes**
000001	Jan. 2	Feb. 12, 2014	41	proposed order—queue
000026	Apr. 8	May 8, 2014	30	proposed order—queue
000042	Feb. 27	Sept. 5, 2014	190	
000091	Aug. 4	Oct. 6, 2014	63	
000188	Apr. 30	June 16, 2014	47	proposed order—queue
000226	May 23	Dec. 16, 2014	207	proposed order
000263	June 18	Sept. 5, 2014	79	June 20: Judge Kelly granted Petitioner's

				affidavit of substantial hardship. June 25: proposed order—queue.
000466	Oct. 29	Dec. 5, 2014	37	proposed order—queue
000535	Dec. 23	June 26, 2015	186	Dec. 23: Petitioner filed Defendant's answer and waiver with other documents. Mar. 11: Judge Kelly set hearing for May 19 because "Defendant has failed to file an Answer and Waiver." Mar. 21: Judge Kelly reset hearing for June 22.
900009	Jan. 6	Feb. 20, 2014	45	proposed order—queue
900015	Jan. 8	Mar. 14, 2014	65	
900025	Jan. 10	Mar. 11, 2014	60	proposed order
900043	May 6	Sept. 4, 2014	121	May 6: Hearing held re: deficiencies in filings.
900055	Jan. 22	Mar. 11, 2014	48	proposed order—queue
900064	Jan. 27	Mar. 14, 2014	46	proposed order
900106	Feb. 11	Apr. 7, 2014	55	
900183	Mar. 3	Oct. 1, 2014	212	Mar. 5: Petitioner filed "**Motion for Final Decree of Divorce**" and proposed order to queue. Mar. 25: Judge Kelly set a hearing for May 19 because settlement agreement was "inadequate." Aug. 5: Petitioner filed "**Renewed Motion to Enter Final Decree,**" noting that Wife had testified and memorialized she was in agreement with settlement agreement.

900240	May 27	Sept. 4, 2014	100	
900248	Mar. 19	May 8, 2014	50	proposed order
900289	Mar. 31	Dec. 15, 2014	263	proposed order July 30: Nearly 4 months after filing petition, Petitioner filed "**Motion for Final Order and Change Child Support**," stating, "I am asking for my divorce decree . . . to be finalized because finances are tied into this matter. I'm/was in process of trying to refinance my house and have been for the past 3 months but have lost several good interest rates due to my divorce decree not being finalized."
900321	Apr. 3	June 16, 2014	74	proposed order—queue
900331	Apr. 7	May 12, 2014	35	
900361	Apr. 17	June 20, 2014	64	proposed order
900418	May 16	Sept. 5, 2014	112	
900429	May 8	June 16, 2014	39	proposed order—queue
900439	May 15	June 30, 2014	46	
900445	May 13	June 16, 2014	34	
900449	May 14	Oct. 3, 2014	142	July 16: proposed order—queue. July 20: More than 2 months after filing, Petitioner filed "**Motion for Entry of Final Decree of Divorce**" and 2nd proposed order to queue.
900480	May 23	Sept. 4, 2014	104	
900487	May 27	Sept. 4, 2014	100	proposed order
900492	May 29	Sept. 4, 2014	98	proposed order

900495	May 29	Dec. 23, 2014	208	proposed order
900505	June 2	Sept. 4, 2014	94	proposed order
900509	June 3	July 14, 2014	41	proposed order—queue
900511	July 17	Sept. 5, 2014	50	
900515	June 5	Sept. 5, 2014	92	
900524	June 6	Aug. 15, 2014	70	proposed order—queue
900534	June 11	Aug. 8, 2014	58	proposed order
900537	Oct. 15	Nov. 26, 2014	42	proposed order—queue
900550	June 17	Aug. 7, 2014	51	proposed order
900556	June 19	Sept. 5, 2014	78	
900561	June 23	Mar. 5, 2015	255	proposed order—queue Discussed in detail, para. 74.
900569	June 25	Sept. 5, 2014	72	proposed order
900576	June 27	Sept. 4, 2014	69	July 31: proposed order—queue
900633	Aug. 14	Oct. 3, 2014	50	Aug. 14 & Sept. 9: proposed order—queue
900639	July 16	Sept. 30, 2014	76	proposed order—queue
900645	July 18	Sept. 5, 2014	49	proposed order—queue
900651	Oct. 8	Nov. 14, 2014	36	
900675	July 24	Sept. 5, 2014	43	Sept. 3: proposed order—queue
900678	July 25	Sept. 5, 2014	42	proposed order—queue
900697	Aug. 4	Oct. 5, 2014	62	proposed order
900700	Aug. 4	Oct. 3, 2014	60	proposed order—queue
900713	Aug. 6	Sept. 30, 2014	55	proposed order
900721	Aug. 7	Sept. 30, 2014	54	proposed order
900725	Aug. 7	Sept. 30, 2014	54	proposed order—queue
900734	Aug. 11	Oct. 3, 2014	53	Aug. 19: Wife filed FIT Certificate.
900753	Aug. 19	Sept. 30, 2014	42	proposed order—queue
900757	Aug. 20	Oct. 3, 2014	44	proposed order
900760	Aug. 21	Oct. 3, 2014	43	proposed order—queue
900771	Aug. 26	Oct. 3, 2014	38	proposed order

900884	Oct. 2	Nov. 18, 2014	47	
900972	Oct. 30	Dec. 5, 2014	36	Nov. 14: proposed order—queue
900986	Nov. 3	Dec. 22, 2014	49	
900988	Nov. 4	Dec. 11, 2014	37	proposed order
DR-2015-_____	**Filing Date 2015**	**Order Date**	**Days To Rule**	**Notes**
000144	Mar. 31	May 18, 2015	48	proposed order—queue
000161	Apr. 9	May 18, 2015	39	proposed order—queue
000266	June 5	Aug. 18, 2015	74	June 5 affidavit of substantial hardship denied July 21, and Petitioner informed case would not proceed without filing fee; case went active Aug. 7.
000362	July 30	Sept. 17, 2015	49	proposed order—queue
000656	Dec. 21	Feb. 11, 2016	52	Dec. 21 affidavit of substantial hardship denied Jan. 22, and Petitioner informed case would not proceed without filing fee.
000677	Dec. 31	Mar. 11, 2016	71	proposed order—queue
900247	Mar. 24	July 14, 2015	112	proposed order—queue
900252	Mar. 25	July 10, 2015	107	proposed order
900256	Mar. 25	Aug. 3, 2015	131	proposed order
900272	Mar. 27	July 10, 2015	105	proposed order—queue
900276	Mar. 31	June 30, 2015	91	Apr. 28: proposed order—queue
900283	Mar. 31	Aug. 3, 2015	125	proposed order
900296	Apr. 3	July 14, 2015	102	proposed order—queue
900304	Apr. 7	July 14, 2015	98	proposed order—queue
900310	Apr. 8	June 9, 2015	62	proposed order—queue
900317	Apr. 10	May 18, 2015	38	proposed order—queue
900325	Apr. 15	Aug. 3, 2015	110	

900328	Apr. 16	July 21, 2015	96	proposed order
900341	Apr. 21	June 9, 2015	49	proposed order—queue
900344	Apr. 21	May 26, 2015	35	
900349	Apr. 22	Aug. 3, 2015	103	May 19: proposed order—queue
900361	Apr. 23	June 30, 2015	67	
900392	May 11	July 21, 2015	71	proposed order—queue
900401	May 12	July 2, 2015	51	proposed order—queue
900404	May 13	July 15, 2015	63	proposed order
900407	May 14	June 26, 2015	43	proposed order
900412	May 14	Aug. 3, 2014	81	July 24: 10 weeks after filing, Petitioner filed "**Motion to Enter Final Decree**," and proposed order to queue.
900424	May 20	June 26, 2015	37	proposed order
900438	May 27	July 27, 2015	61	proposed order—queue
900454	June 1	July 15, 2015	44	proposed order
900465	June 5	July 15, 2015	40	proposed order—queue
900474	June 9	July 27, 2015	48	proposed order—queue
900477	June 10	Aug. 3, 2015	54	proposed order
900486	June 12	Aug. 3, 2015	52	proposed order
900491	June 15	July 27, 2015	42	proposed order—queue
900506	June 18	July 27, 2015	39	July 23: proposed order—queue
900511	June 19	July 27, 2015	38	proposed order—queue
900515	June 23	Aug. 3, 2015	41	
900519	June 23	Aug. 3, 2015	41	July 30: Petitioner filed "**Motion to Enter Final Decree of Divorce.**"
900521	June 24	July 30, 2015	36	proposed order
900525	June 24	Aug. 3, 2015	40	proposed order
900528	June 24	Aug. 3, 2015	40	proposed order
900532	June 24	July 30, 2015	36	proposed order
900536	June 25	July 30, 2015	35	proposed order
900546	June 25	July 28, 2015	33	proposed order
900550	June 29	Aug. 3, 2015	35	proposed order
900557	June 29	Aug. 3, 2015	35	proposed order—queue

900562	June 30	Aug. 3, 2015	34	proposed order
900572	July 12	Sept. 9, 2015	59	July 30: proposed order—queue
900591	July 14	Oct. 23, 2015	101	
900611	July 21	Sept. 25, 2016	66	
900615	July 22	Aug. 28, 2015	37	proposed order
900640	July 31	Oct. 12, 2015	73	
900660	Aug. 6	Sept. 17, 2015	42	
900682	Aug. 12	Nov. 13, 2015	93	
900688	Aug. 14	Sept. 16, 2015	33	
900834	Oct. 1	Feb. 16, 2016	139	
900841	Oct. 5	Dec. 12, 2015	68	proposed order
900857	Oct. 9	Jan. 8, 2016	91	proposed order—queue
900864	Oct. 13	Dec. 12, 2015	60	proposed order
900897	Oct. 27	Dec. 12, 2015	46	proposed order
900904	Oct. 29	Dec. 12, 2015	44	proposed order
900914	Nov. 2	Jan. 8, 2016	67	proposed order
900917	Nov. 2	Jan. 11, 2016	70	proposed order
900920	Nov. 2	Jan. 11, 2016	70	proposed order
900925	Nov. 3	Jan. 11, 2016	69	proposed order
900930	Nov. 4	Dec. 14, 2015	40	proposed order—queue
900945	Nov. 9	Dec. 31, 2015	52	proposed order—queue
900948	Nov. 10	Feb. 16, 2016	98	proposed order
900954	Nov. 11	Feb. 19, 2016	100	proposed order
900957	Nov. 11	Mar. 11, 2016	121	proposed order
900971	Nov. 19	Dec. 23, 2015	34	
900974	Nov. 18	Jan. 8, 2016	51	Dec. 17: proposed order—queue
900986	Nov. 24	Dec. 31, 2015	37	proposed order—queue
900990	Nov. 24	Mar. 17, 2016	114	Jan. 11: 7 weeks after filing, Petitioner filed "**Motion for Entry of Final Divorce Decree.**"
900998	Dec. 1	Jan. 18, 2016	48	
901018	Dec. 7	Jan. 18, 2016	42	Jan. 14: proposed order—queue

901026	Dec. 9	Feb. 25, 2016	78	proposed order
901028	Dec. 9	Mar. 17, 2016	99	proposed order
901037	Dec. 11	Feb. 16, 2016	67	proposed order
901047	Dec. 14	Mar. 17, 2016	94	proposed order—queue
901050	Dec. 16	Jan. 22, 2016	37	proposed order
901053	Dec. 18	Mar. 11, 2016	84	Feb. 4: proposed order—queue
901071	Dec. 23	Feb. 16, 2016	55	proposed order
DR-2016-_____	**Filing Date 2016**	**Order Date**	**Days To Rule**	**Notes**
000016	Jan. 12	Feb. 15, 2016	34	proposed order—queue
000026	Jan. 15	Feb. 27, 2017	410	Discussed in detail, para. 75.
000101	Feb. 25	Sept. 6, 2016	194	Feb. 25: Petitioner filed affidavit of substantial hardship. July 12: **Nearly 4 ½ months later**, Judge Kelly granted it.
000180	Apr. 5	Pending	--	Discussed in detail, para. 73.
000198	Apr. 12	Aug. 4, 2016	114	May 17: More than 1 month after filing, Petitioner filed a handwritten motion to request hearing.
000217	Apr. 20	Sept. 1, 2016	134	May 20: 1 month after Petitioner filed affidavit of substantial hardship, Judge Kelly granted it.
000226	June 2	Aug. 15, 2016	75	
000264	May 9	Aug. 29, 2016	112	proposed order—queue
000300	May 27	Aug. 29, 2016	94	
000351	June 15	Aug. 29, 2016	75	proposed order—queue
000360	June 17	Aug. 24, 2016	68	proposed order—queue
000401	July 6	Aug. 24, 2016	49	proposed order—queue
000406	July 8	Sept. 1, 2016	55	
000409	July 11	Aug. 24, 2016	44	proposed order—queue
000437	July 22	Aug. 23, 2016	32	

000665	Oct. 4	Jan. 31, 2017	119	proposed order
000705	Oct. 19	Jan. 31, 2017	104	proposed order—queue
000754	Nov. 9	Feb. 24, 2017	108	Feb. 14, 2017: More than 3 months after filing, Judge Kelly filed 2 orders finding the documents insufficient. However, the alleged missing documents were filed with the petition on Nov. 9. Without further case activity, Judge Kelly granted divorce 10 days later.
000790	Nov. 30	Jan. 31, 2017	62	
900007	Jan. 5	Feb. 16, 2016	42	proposed order
900011	Jan. 7	Feb. 11, 2016	35	proposed order—queue
900037	Jan. 20	Mar. 11, 2016	51	proposed order
900047	Jan. 22	Mar. 17, 2016	55	proposed order
900050	Jan. 25	Mar. 11, 2016	46	proposed order—queue
900062	Jan. 28	Mar. 11, 2016	43	
900069	Feb. 2	Mar. 11, 2016	38	proposed order—queue
900074	Feb. 3	May 6, 2016	93	
900080	Feb. 4	Mar. 9, 2016	35	
900091	Feb. 9	May 2, 2016	83	Mar. 16: More than 1 month later, Petitioner filed "**Motion for Final Order.**"
900097	Feb. 11	Mar. 24, 2016	42	
900101	Feb. 12	Apr. 4, 2016	53	proposed order
900121	Feb. 19	June 14, 2016	116	proposed order
900127	Feb. 23	Apr. 4, 2016	42	Mar. 24: proposed order—queue
900130	Feb. 23	Apr. 11, 2016	48	proposed order
900136	Feb. 24	Mar. 31, 2016	36	
900143	Feb. 26	Apr. 4, 2016	38	
900152	Mar. 1	July 29, 2016	150	proposed order
900156	Mar. 2	Apr. 26, 2016	55	proposed order
900170	Mar. 7	May 6, 2016	60	proposed order

900180	Mar. 16	Aug. 15, 2016	152	proposed order—queue
900196	Mar. 15	May 13, 2016	59	
900207	Mar. 16	Aug. 15, 2016	152	proposed order—queue
900222	Mar. 22	July 14, 2016	114	
900230	Mar. 24	July 7, 2016	105	proposed order
900297	Apr. 8	Aug. 1, 2016	115	
900322	Apr. 19	Aug. 15, 2016	118	
900329	Apr. 21	July 22, 2016	92	proposed order
900335	Apr. 24	Aug. 8, 2016	106	May 27: proposed order—queue
900339	Apr. 25	Aug. 29, 2016	126	proposed order
900347	Apr. 28	Aug. 15, 2016	109	proposed order—queue
900350	Apr. 29	July 14, 2016	76	proposed order—queue
900367	May 6	Aug. 16, 2016	102	
900375	May 10	July 22, 2016	73	proposed order
900381	May 12	June 22, 2016	41	proposed order—queue
900389	May 17	June 22, 2016	36	proposed order—queue
900393	May 18	June 21, 2016	34	
900401	May 22	Aug. 8, 2016	78	proposed order June 23: Petitioner filed PFA petition. June 24: Judge Kelly granted ex parte temporary protection order. PFA was eventually dismissed.
900408	May 25	Aug. 16, 2016	83	proposed order
900412	May 25	Aug. 16, 2016	83	proposed order
900419	May 26	Aug. 16, 2016	82	proposed order
900422	May 26	Aug. 17, 2016	83	
900424	May 27	July 19, 2016	54	proposed order—queue
900431	May 31	July 26, 2016	56	proposed order—queue
900439	June 2	July 26, 2016	54	July 5, 2016: 1 month after filing, Petitioner filed "**Motion for Entry of Final Decree of Divorce**" and proposed order in queue.
900441	June 2	July 26, 2016	54	

900445	June 3	Aug. 18, 2016	76	June 3: Petitioner twice submitted proposed order to queue. July 15: 6 weeks after filing, Petitioner filed "**Motion for Divorce Judgment to Issue**" and proposed order to queue.
900449	June 6	Aug. 24, 2016	79	July 15: 6 weeks after filing, Petitioner filed "**Motion for Divorce Judgment to Issue**" and proposed order to queue. Aug. 22: 6 weeks later, Petitioner filed "**Renewed Motion for Divorce Judgment to Issue.**"
900480	June 21	Aug. 15, 2016	55	June 21: Petitioner filed "**Motion for Entry of Final Decree**" and proposed order to queue.
900483	June 22	Aug. 17, 2016	56	proposed order
900487	June 22	Aug. 18, 2016	57	proposed order
900490	June 23	Aug. 17, 2016	55	proposed order
900493	June 23	Aug. 18, 2016	56	proposed order
900496	June 23	Aug. 18, 2016	56	proposed order
900501	June 23	Aug. 18, 2016	56	proposed order—queue
900504	June 23	Aug. 15, 2016	53	proposed order
900507	June 23	Aug. 18, 2016	56	proposed order
900510	June 23	Aug. 17, 2016	55	proposed order
900515	June 24	Aug. 29, 2016	66	proposed order—queue
900519	June 24	Aug. 16, 2016	53	proposed order
900523	June 24	Aug. 16, 2016	53	proposed order
900526	June 24	Aug. 17, 2016	54	proposed order
900532	June 28	Aug. 15, 2016	48	proposed order—queue
900540	July 1	Sept. 19, 2016	80	proposed order

900546	July 5	Aug. 18, 2016	44	proposed order
900549	July 5	Aug. 18, 2016	44	proposed order
900553	July 6	Aug. 18, 2016	43	proposed order
900556	July 6	Aug. 18, 2016	43	proposed order—queue
900559	July 7	Aug. 18, 2016	42	Aug. 11: proposed order—queue
900562	July 8	Aug. 24, 2016	47	proposed order
900570	July 12	Aug. 24, 2016	43	
900576	July 13	Aug. 24, 2016	42	proposed order—queue
900583	July 14	Aug. 24, 2016	41	proposed order
900589	July 19	Aug. 24, 2016	36	
900705	Sept. 6	Oct. 18, 2016	42	proposed order
900712	Sept. 8	Nov. 3, 2016	56	Oct. 13: Petitioner filed motion for name change, noting her **"uncontested action for divorce remains pending before this Court."**
900714	Sept. 12	Dec. 28, 2016	107	Dec. 19: proposed order—queue
900718	Sept. 14	Jan. 31, 2017	139	Dec. 14: proposed order—queue
900740	Sept. 26	Jan. 31, 2017	127	Nov. 9: proposed order—queue
900744	Sept. 27	Dec. 8, 2016	72	proposed order
900777	Oct. 11	Dec. 22, 2016	72	Nov. 10: proposed order—queue
900781	Oct. 11	Dec. 22, 2016	72	
900798	Oct. 19	Dec. 8, 2016	50	proposed order
900803	Oct. 24	Jan. 31, 2017	99	proposed order
900805	Oct. 24	Jan. 31, 2017	99	Nov. 22: proposed order—queue
900811	Oct. 25	Dec. 28, 2016	64	proposed order—queue
900814	Oct. 26	Jan. 12, 2017	77	proposed order—queue
900817	Oct. 27	Jan. 11, 2017	76	proposed order—queue
900825	Oct. 31	Jan. 31, 2017	92	proposed order
900839	Nov. 7	Jan. 31, 2017	85	proposed order—queue
900851	Dec. 13	Jan. 31, 2017	50	
900860	Nov. 14	Jan. 31, 2017	79	Dec. 14: proposed order—queue

900899	Dec. 8	Jan. 31, 2017	54	Jan. 24: proposed order—queue
900903	Dec. 9	Feb. 14, 2017	67	proposed order—queue
900914	Dec. 15	Jan. 31, 2017	47	proposed order
900918	Dec. 15	Jan. 31, 2017	47	proposed order
900921	Dec. 16	Jan. 31, 2017	46	proposed order
900924	Dec. 19	Jan. 31, 2017	43	proposed order
900944	Dec. 29	Jan. 31, 2017	33	proposed order—queue

84. Of the uncontested-divorce petitions filed in 2016, Judge Kelly disposed of only 14 in the almost 5 months from September 1, 2016, until January 30, 2017. On January 31, 2017, she disposed of 17.

B. Joint Petitions for Modification of Divorce Decrees

85. Judge Kelly has shown a pattern and practice of delay in ruling on joint petitions for modification of divorce decrees as well.

86. In Burrow v. Burrow, DR-1999-001448.03, Judge Kelly failed or refused to issue an order **until more than five months** after the parties jointly filed a motion to modify and implement a settlement agreement. On August 18, 2014, the parties jointly filed the complaint to modify post-minority support for the children, the agreement, and submitted a proposed order to Judge Kelly's proposed-order queue. There are no entries in this matter's case action

summary until January 21, 2015, when Judge Kelly entered a one-page order granting the request for modification.

87. In Turner v. Turner, DR-2010-900309.02, Judge Kelly failed to issue an order on "Joint Complaint for Modification" **for over five months**. On December 16, 2016, the parties jointly filed the complaint to modify the custodial arrangement, the agreement, and submitted a proposed order to Judge Kelly's proposed-order queue. There are no entries in this matter's case action summary until May 22, 2017, when Judge Kelly entered a one-page order granting the request for modification.

88. Smith v. Smith, DR-2002-1079.01

a. Jan. 27, 2014: After the former husband filed a petition to modify child support and the former wife answered and counter claimed, the parties settled and filed a joint stipulation for modification of the divorce decree.

b. Mar. 25, 2014: Judge Kelly entered an order noting there were deficiencies in the parties' paperwork and setting a review hearing for May 19, 2014.

c. Jan. 22, 2015: After several party-requested continuances, Judge Kelly entered an order setting a review hearing for Mar. 26, 2015.

d. Mar. 26, 2015: A hearing was apparently held.

e. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission on Mar. 26, 2015.

f. Feb. 26, 2016: **11 months after the hearing and more than a month after the 6-month report**, Judge Kelly entered an order adopting the parties' settlement agreement.

C. Child-Support, Custody, Alimony, & Visitation Cases

89. A large part of Judge Kelly's domestic-relations caseload is petitions to modify child support, alimony, custody, and visitation cases. Judge Kelly exhibits an unreasonable and unjustifiable pattern and practice of delay in completing hearings and issuing final orders on these filings.

90. As in juvenile matters, the harm generated by delay is exacerbated in cases involving children.

91. Moreover, as is demonstrated by many of the examples below, by the time Judge Kelly either held a trial or issued a final order, neither was any longer relevant to the parties who had looked to the judiciary for prompt and efficient resolutions of their cases.

92. Without prompt and efficient resolution of issues, other issues would arise during the delays, necessitating one of the party's filing additional legal action, e.g., a second contempt petition, which expounds costs for the litigants and is a strain on the court's resources.

93. The following are examples of her delay:

94. Steingraber v. Steingraber, DR-2001-117.01: Petition to Modify Custody

a. Apr. 4, 2011: The former wife filed a petition to modify custody changing the physical custody of the children of the marriage from the former husband to the former wife.

b. Jan. 3, 2012: The final hearing was begun but insufficient time was scheduled to conclude the hearing and the hearing was reset to Feb. 21, 2012.

c. Feb. 21, 2012: The final hearing was concluded.

d. Mar. 9, 2012: The former wife filed a notice that the parties have complied with the court's unwritten instructions to obtain passports for the children who are now ready to move to Canada with the former wife. The notice included a motion for a final order on the petition for modification to grant physical custody to the former wife.

e. Mar. 27, 2012: The former wife filed a motion for a status conference or a telephone conference to obtain a final written order confirming the court's oral orders of Feb. 21, 2012. The former wife had remained in Montgomery to take the children home with her.

f. Apr. 9, 2012: The former wife filed a motion for the court to establish custodial periods for the parties alleging that at the final hearing temporary custody was orally awarded to the former wife but the former wife has neither received the children nor been allowed to visit with them except for the trip to the post office to obtain the passports.

g. Aug. 7, 2012: **5 months after the hearing and 4 months after the former wife's first request for a**

final order, the former wife filed her second request for a final order. The former wife informed the court the school year would be starting at the end of August and it would be best to get the children settled before then.

h. Sept. 24, 2012: Judge Kelly ordered a status conference for October 4, 2012.

i. Nov. 28, 2012: **9 months after the final hearing, 8 months after the first request for a final order and notice to the court of compliance with the judge's instructions, 8 months after the ex-wife's request for a status conference, and more than 3 months after the ex-wife's second request for a final order**, Judge Kelly entered a final order in this case. Judge Kelly found a material change in circumstances requiring a change in physical custody from the former husband to the former wife.

95. Turner v. Upchurch, DR-2015-900597: Emergency Motion for Immediate Return of the Minor Child

a. July 16, 2015: The mother filed an ex-parte emergency motion for immediate return of her minor child, alleging the purported father had failed to return her child for more than a week and that law enforcement refused to act without a court order. Judge Kelly granted the motion that day.

b. July 20, 2015: Service on the defendant was returned.

c. Oct. 11, 2017: **Nearly 27 months later**, a hearing was held in front of Judge Johnny Hardwick. That same day, Judge Hardwick entered an order consolidating this matter with two subsequently filed petitions: a July 21, 2017 PFA petition filed by the purported father against the mother (DR-2017-547), granted July 24, 2017; and a Sep.

27, 2017 PFA petition filed by the mother against the purported father (DR-2017-746).

d. Oct. 13, 2017: Judge Hardwick entered an order dissolving the pending PFA's, vacating the July 24, 2017 PFA, ordering the purported father to vacate the paternal grandparent's home, and establishing a visitation schedule. The matter remains active pending an ordered paternity test.

96. Riley v. Terry, DR-2011-385.01: Petition for Contempt/Rule Nisi

a. Dec. 28, 2011: The father filed a petition to show cause, claiming the mother would not allow visitation, and an affidavit of substantial hardship.

b. Apr. 30, 2012: **4 months later**, Judge Kelly granted the father's affidavit of substantial hardship.

c. May 18, 2012: Service on the mother was returned.

d. May 21, 2012: The mother filed a counterclaim.

e. July 2, 2012: Judge Kelly set a hearing for Nov. 20, 2012, for 1 hour.

f. Nov. 20, 2012: A hearing was held and the case was taken under submission (per a subsequent 6-month report).

g. Judge Kelly should have, but did not report this case on the 6-month reports of July 29, 2013 and Feb. 3, 2014.

h. Sept. 8, 2014: Judge Kelly submitted a 6-month report to AOC, erroneously claiming this case was taken under submission on Nov. 20, 2013, when the case was actually taken under submission a full year earlier, on Nov. 20, 2012.

i. Jan. 8, 2015: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission on Nov. 20, 2012, and claiming the status of the case as "Final Order in Process."

j. Aug. 4, 2015: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been taken under submission **nearly 3 years earlier**.

k. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission on Nov. 20, 2012, and claiming as reason for the delay "Insufficient staff and assumption of additional administrative responsibilities."

l. July 8, 2016: **Over 43 months after the final hearing**, Judge Kelly issued an order setting a hearing for Oct. 25, 2016.

m. July 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission on Nov. 20, 2012, giving no specific reason why the case had been under submission for nearly 4 years.

n. Sept. 28, 2016: Judge Kelly entered an order resetting the Oct. 25, 2016 hearing to Dec. 15, 2016, because all hearings scheduled Oct. 24-27 were cancelled due to a conflict on the court's calendar.

o. Dec. 22, 2016: **5 years after the father filed his petition and over 4 years after the final hearing**, Judge Kelly erroneously dismissed for failure of the mother to appear to prosecute the petition. The father—the petitioner—was present, according to the dismissal order.

97. Spies v Spies, DR-2011-566.01: Petition to Modify Custody and for Contempt

a. Sept. 16, 2014: The father filed a petition to modify custody and for contempt; "Motion for Instanter Ex Parte Order"; and "Pendente Lite."

   On the same date, Judge Kelly issued an order granting "Instanter/Pendente Lite," giving the father temporary sole custody and setting the hearing for Sept. 30, 2014.

b. Oct. 1, 2014: The case was taken under submission (per a subsequent 6-month report).

c. Nov. 20, 2014: The mother filed a petition for visitation.

d. Dec. 16, 2014: The father filed "Emergency Motion to Terminate Child Support Payments." Judge Kelly suspended child support and set a hearing for Jan. 6, 2015.

e. Jan. 5, 2015: The father filed a motion to continue and a motion to drug test the mother.

f. Jan. 9, 2015: Judge Kelly ordered both parents to submit to a drug test and set a hearing for Jan. 29, 2015 (1 hour).

g. Jan. 27, 2015: The mother filed a motion to disqualify the father's attorney.

h. Jan. 28, 2015: The father filed a motion to continue, based on an ongoing DHR investigation of the mother. Judge Kelly denied it.

i. There is no record of a hearing on Jan. 29, 2015.

p. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission on Oct. 1, 2014.

j. Mar. 28, 2016: **More than 18 months after she lost custody by temporary ex-parte order**, the mother

filed **a motion to set a hearing**, noting "the above matter has not been heard in almost one year." Her petition for visitation had been pending 4 months.

k. June 27, 2016: **Nearly 21 months after the case was taken under submission and 17 months after the mother's motion to disqualify the father's attorney was filed**, Judge Kelly granted the mother's motion and set a hearing/status conference for Aug. 26, 2016.

l. There is no record of a hearing on Aug. 26, 2016.

m. Sept. 14, 2016: Judge Kelly set a hearing for Nov. 29, 2016.

n. Nov. 29, 2016: Apparently a hearing was held, with only the mother's attorney present.

o. Jan. 17, 2017: **28 months after the father was awarded temporary sole custody and the case was taken under submission and 26 months after the mother petitioned for visitation**, Judge Kelly dismissed for failure of the parties to appear at the hearing on Nov. 29, 2016, finding that they had been properly notified. (However, there are no entries regarding service in the record.) The order did not address in any way her temporary ex parte order transferring custody of the child to the father. It remains in effect without any showing of a hearing for permanent custody or for the mother to be heard—and no ruling on mother's Nov. 20, 2014 motion for visitation.

98. Bell v. Bell, DR-1998-000125.03: Petition for Contempt

a. Feb. 14, 2013: The former wife filed a petition to show cause regarding the former husband's failure to pay alimony, resulting in arrears of $24,000.

b. Apr. 9, 2013: The former husband filed an answer.

c. May 6, 2013: **Nearly 3 months later**, Judge Kelly filed an order setting a 1-hour hearing for Oct. 3, 2013.

d. Sept. 23, 2013: Judge Kelly reset the final hearing for Oct. 7, 2013, due to conflict on the court's calendar.

e. Oct. 7, 2013: The final hearing was held (per the 6-month report concerning the .02 case).

f. Sept. 5, 2014: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for nearly 11 months.

g. Jan. 7, 2015: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission on Oct. 10, 2013, and claiming "Final Order in process."

h. Aug. 3, 2015: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for **nearly 2 years**.

i. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for **more than 27 months.**

j. July 15, 2016: **More than 33 months after the final hearing**, Judge Kelly issued an order terminating the ex-wife's alimony.

99. Brown v. Brown, DR-2012-900059.01: Ex-Husband's Petition to Modify Alimony

Brown v. Brown, DR-2012-900059.02: Ex-Wife's Petition to Show Cause

a. May 9, 2013: (01): The former husband filed a petition to modify alimony, claiming unemployment and inability to make payments.

b. June 17, 2013: (01): The former wife filed an answer.

c. July 30, 2013: (02): The former wife filed a petition to show cause, alleging the former husband was $1,600 in arrears on alimony.

d. Sept. 5, 2013: The former husband filed "Notice" of inability to pay.

e. Dec. 6, 2013: (01): The former wife submitted a letter to Judge Kelly which read, in part, "**I am asking that you set a court date** for me because I am not getting my support money . . . as of this date [the former husband] is behind $4000.00. I need this money so I can go to the Doctor."

f. Feb. 10, 2014: **Nearly 8 months after the former wife filed an answer in .01 and 5 months after the former husband filed his response in .02**, Judge Kelly entered an order setting a final hearing for Mar. 17, 2014.

g. Mar. 17, 2014: The final hearing was held.

h. Judge Kelly should have, but did not report this case on the 6-month reports of Jan. 8, 2015 and Aug. 4, 2015.

i. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging both cases were taken under submission nearly 10 months earlier on Mar. 17, 2014.

j. Feb. 25, 2016: **Over 32 months after the ex-wife filed her answer in .01, almost 30 months after the ex-husband filed his response in .02, and nearly 2 years after the final hearing**, Judge Kelly filed an order in .01, nominally disposing

of both pending matters. The ex-husband's petition to modify (.01) was denied, the ex-wife's petition to show cause (.02) was granted, and the ex-husband's payment amount and schedule were modified. This order was not entered in .02.

k. July 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging .02 was taken under submission nearly 28 months earlier on Mar. 17, 2014.

l. Aug. 2, 2016: **Over 3 years after the ex-wife filed her petition, and over 28 months after the hearing**, Judge Kelly's order, dated Feb. 25, 2016, was electronically filed in .02.

100. Simmons v. Simmons, DR-2002-1180.05: Petition for Contempt

a. Nov. 3, 2009: The former wife filed a petition for contempt for nonpayment of alimony.

b. Nov. 20, 2009: A hearing was set for Dec. 9, 2009.

c. Dec. 2, 2009: The former husband filed a counterclaim and motion to continue.

d. Jan. 4, 2010: The former wife filed an answer.

e. Feb. 1, 2010: Judge Kelly set a hearing for Mar. 4, 2010.

f. Mar. 4, 2010: The final hearing was held.

g. Mar. 24, 2010: The former husband filed a proposed order.

h. Judge Kelly submitted 6-month reports to AOC on Jan. 15 and July 15, 2011, and each acknowledged she had only 1 case under submission for more than 6 months, but the records do not include any attachment identifying that case.

i. Mar. 9, 2012: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under advisement on Nov. 13, 2009, and March 4, 2010 and explaining, "Final Order Pending."

j. July 30, 2012: Judge Kelly submitted a 6-month report to AOC, claiming this case was taken under submission on Nov. 13, 2009 and explaining, "Working on Order."

m. Jan. 31, 2013: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for nearly 3 years.

k. July 10, 2013: **More than 40 months after the hearing**, Judge Kelly filed a final order dated May 14, 2010, i.e., 3 years earlier.

101. Gloss v. Henderson, DR-2014-000078: Petition for Custody

a. Feb. 18, 2014: The father filed a petition for custody, noting the child recently moved to live with him. He requested physical custody and joint legal custody so the child could enroll in a school. He claimed the mother did not object.

b. Feb. 21, 2014: The father filed an affidavit of substantial hardship.

c. Apr. 7, 2014: **6 weeks after the father filed a hardship request**, Judge Kelly granted it.

d. Apr. 16, 2014: Service on the mother was returned.

e. Jan. 21, 2015: **Almost 1 year after the father filed his petition and more than 9 months after service was perfected**, Judge Kelly entered an order setting the final hearing for Apr. 16, 2015.

f. Feb. 2, 2015: Notice of the hearing to the father was returned—address unknown and unable to forward.

g. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, stating this case was taken under submission on Apr. 16, 2015.

h. July 15, 2016: Judge Kelly submitted a 6-month report to AOC, stating this case was taken under submission on Apr. 13, 2015.

i. Jan. 31, 2017: This case did not appear on Judge Kelly's latest 6-month report to AOC.

j. **Over 3 years after filing, this case remains active.**

102. Hernandez v. Bohen, DR-2008-001162.04: Petition to Modify

a. Apr. 3, 2013: The mother filed a petition to modify child visitation; to order parental counseling; and to order the father to contribute to school expenses.

b. May 10, 2013: Judge Kelly issued an order to show cause and set a hearing for June 10, 2013.

c. June 10, 2013: The hearing was held.

d. June 18, 2013: The father filed an answer.

e. The case should have been included in Judge Kelly's Feb. 3, 2014 and Sept. 5, 2014 6-month reports.

f. Sept. 29, 2014: 18 months after filing her petition to modify, the mother filed a "Petition to Show Cause" form, noting that the father stated he would not continue paying child support. (Docketed as .05.) **Attached was a letter the**

mother wrote urging Judge Kelly to issue an order, in part:

> Please consider this correspondence as a formal inquiry into the judgment of the hearing presented before Judge Anita Kelly in regards to the petition filed and presented to the court in June 2013.
>
> An expedited, prompt and thoughtful judgment on this matter is requested at this time as ample time has passed and sufficient documentation was provided within the designated time frame of 30 days from the time of the initial hearing. The delay in judgment has unfortunately resulted in further complications and has subsequently resulted in an additional petition for contempt, including additional court costs for the plaintiff as well as the court.

g. Jan. 7, 2015: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission nearly 18 months earlier, with the explanation, "Final Order in process."

h. March 20, 2015: **20 months after the hearing**, Judge Kelly filed an order setting a status hearing for Apr. 30, 2015, in .05 action.

i. June 4, 2015: **Nearly 24 months after the hearing**, Judge Kelly filed the final order (3 pages).

103. Means v. Doss, DR-2011-000943.03: Petition for Contempt/Rule Nisi

a. May 21, 2014: The mother filed a petition for contempt, claiming the father had not paid child support for nearly 2 months.

b. June 24, 2014: The father filed his answer.

c. Sept. 30, 2014: **More than 3 months later**, the father filed a **motion to set a hearing**.

d. Feb. 19, 2015: **Nearly 8 months after the father's answer, and almost 5 months after his motion for a hearing**, Judge Kelly set the final hearing for June 9, 2015.

e. June 9, 2015: The hearing was held.

f. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission more than 7 months earlier on June 9, 2015.

g. Feb. 26, 2016: **More than 19 months after the father filed an answer, more than 8 months after taking the case under submission, and nearly 6 weeks after the 6-month report**, Judge Kelly entered a 1-page order finding the father in contempt for non-payment and ordering payments.

104. Sikes v. Sikes, DR-2003-001137.01: Emergency Petition for Instanter Relief and for Contempt

a. Apr. 3, 2013: The mother filed "Emergency Petition for Instanter Relief and for Show Cause Order," alleging that the father's failure to pay private-school tuition was preventing the teenage child from receiving grades and registering for the upcoming year and requesting an emergency order and a contempt order for repeated failure to pay other financial obligations.

b. May 2, 2013: Judge Kelly issued an order to show cause and set a 1-hour hearing for June 4, 2013.

c. May 8, 2013: The mother filed a request for the emergency petition regarding school tuition to be heard on June 4 and a subsequent 90-minute hearing date be set for evidence of history of failure to pay other obligations.

d. May 17, 2013: Judge Kelly set an additional hearing for all other issues for Oct. 29, 2013.

e. May 31, 2013: The father filed a petition to show cause for the mother's failure to abide by the divorce decree.

f. June 3, 2013: The father filed a petition to modify custody and child support and a response to the mother's petition to show cause.

g. June 11, 2013: **2 months after the mother filed her emergency petition**, Judge Kelly issued an order requiring the father to pay school tuition.

h. June 12, 2013: Judge Kelly issued an order for the mother to show cause why she should not be held in contempt.

i. June 21, 2013: The mother filed a motion for an emergency status conference and relief.

j. June 24 – July 16, 2013: The parties filed various pleadings.

k. July 23, 2013: **1 month after the mother's motion for an emergency status conference**, Judge Kelly issued an order for a 1-hour status conference for July 30, 2013.

l. July 30, 2013: The hearing was held.

m. Aug. 30, 2013: **Almost 5 months after the emergency petition was filed, and 1 month after the hearing**, Judge Kelly issued an order requiring the father to pay $300 tuition per month and to allow the child to continue attending a certain school until the final hearing on Oct. 29, 2013.

n. Oct. 31, 2013: The hearing carried over to Nov. 1, 2013, for inadequate time allotted.

o. Nov. 1, 2013: The final hearing was held (per a subsequent 6-month report).

p. Nov. 7, 2013: Proposed final decrees were submitted.

q. Sept, 5, 2014: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission more than 10 months earlier on Nov. 1, 2013, and explaining, "[This] case[] will be concluded within 14 days from the date of this report."

r. Jan. 8, 2015: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, although it had been under submission for more than 14 months.

s. July 30, 2015: **20 months after the final hearing**, Judge Kelly issued the final decree (5 pages). The title "ORDER" was footnoted with the following: "Due to an error from oversight or omission, this Order was not issued, although previously executed by the undersigned. The Parties may file any appropriate Motion to address any and all matters resulting from the oversight omission." The order was executed the same date, i.e., July 30, 2015.

t. Aug. 3, 2015: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission more than 20 months earlier on Nov. 1, 2013. Judge Kelly noted "Final Order Completed (07/30/2015)."

u. Aug. 31, 2015: The father filed a motion to alter, amend, or vacate, in which he stated:

> In the final order the Court states the minor child . . . is 17 years old. The minor child is 18 years old and will turn 19 January 24, 2016. Further, the minor child is currently

enrolled at Auburn University and not residing with either parent.

The Order specifically addresses custodial time for the Father with the minor child. Since the minor child is not residing with either parent there is no need to address a custodial arrangement between the minor child and the Former Husband.

The Final Order directs the Parties to attend counseling . . . with regard to co-parenting the minor child. The minor child is in college at Auburn University and the Former Husband does not believe co-parenting would benefit any of the Parties beginning at this time in the minor child's life.

The Final Order further modified the Former Husband's child support obligation and the monthly amount was changed to $278.31 which is significantly lower than the previously ordered $540.00. The Former Husband avers that the $278.31 per month should have been ordered retroactive to have started on June 3, 2013 when his counter petition was filed with this Honorable Court seeking said relief. The Former Husband has paid (23) twenty three months of support to the Former Wife that he was not obligated to pay. The overage amount paid is $6,018.87. The Former Husband is due to be reimbursed this amount by the Former wife.

The Final Order seeks $6,096.00 from the Former Husband to be paid to the Former Wife at the rate of $200.00 per month starting April 1, 2016 for health care coverage on the minor child. The Former Wife agreed to cover the minor child's health insurance and waited many years before she ever said otherwise. Further, the Former Wife failed to produce any evidence to show where counsel for the Former

> Wife had reached a monetary amount of $6,096.00 . . . for reimbursement in health insurance for the minor child.
>
> The Former Husband produced substantial evidence (and the Former Wife admitted under oath to same) that she had claimed the minor child each and every year on her federal and state tax returns contrary to the terms of the Parties settlement agreement. The settlement agreement specifically states that the Parties were to alternate claiming the minor child. The Former Husband is due to be reimbursed for each and every year the Former Wife was in contempt (on her own admission) for claiming the minor child.

v. Sept. 16, 2015: Judge Kelly dismissed the father's motion to alter, amend, or vacate the final order, for lack of jurisdiction on her finding the motion was filed more than 30 days after the order.

w. Sept. 18, 2015: The father filed a pleading pointing out that he had timely filed his motion.

x. Sept. 28, 2015: Judge Kelly set the final hearing for Nov. 2, 2015.

y. Nov. 2, 2015: The hearing was held.

z. Nov. 10, 2015: Judge Kelly issued an order (in all substantive respects adopting the father's proposed order) vacating the provisions of her July 30, 2015 order that addressed the custodial arrangement and required co-parenting classes and amending the order to rule that neither party owed the other party any monetary amount.

105. Barnes v. Barnes, CS-2014-25: Petition for Child Support

a. June 24, 2014: The mother filed a petition for child support. At the time, she was married to, but separated from, the father, and there was not a pending petition for divorce.

b. July 3, 2014: Service on the father was returned.

c. Aug. 27, 2014: Judge Kelly entered an order setting the final hearing for Sept. 11, 2014.

d. There is no record of a hearing held on Sept. 11, 2014.

e. Dec. 19, 2014: The wife filed a petition for divorce in Crenshaw County Circuit Court. It requested child support.

f. July 1, 2015: The Crenshaw County Circuit Court entered a final decree of divorce, ordering the father to pay child support, including for the prior 2 months.

g. Feb. 25, 2016: **17 months after the hearing before Judge Kelly and 7 months after the Crenshaw County court's ruling**, Judge Kelly entered an order directing the father to pay $797.30 a month in child support.

h. Mar. 14, 2016: Judge Kelly filed an order rescinding her Feb. 25, 2016 order, noting the matter had been addressed in the divorce case.

106. McCall v. Ross, DR-2011-1369.01: Petition to Modify Child Support

a. July 25, 2013: The father filed a petition to modify child support, noting his loss of "business income."

b. Nov. 12, 2013: The mother filed an answer, alleging the father owed back child support.

c. Feb. 13, 2014: The father filed an amended petition, alleging he was incarcerated and had no income.

d. Mar. 12, 2014: Judge Kelly filed an order setting the final hearing for May 22, 2014.

e. There is no record of a hearing on May 22, 2014.

f. Oct. 6, 2014: The father filed a **motion to set a final hearing**, noting that the matter was originally set for May 22, 2014, but was continued. Judge Kelly entered an order setting the final hearing for Nov. 6, 2014.

g. Nov. 6, 2014: The final hearing was held.

h. Aug. 3, 2015: Judge Kelly did not include this case on the July 31, 2015 6-month report she submitted to AOC.

i. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission more than 14 months earlier on Nov. 6, 2014.

j. Feb. 25, 2016: **Nearly 16 months after the final hearing**, Judge Kelly entered an order granting the father's petition to modify, noting the father's incarceration, modifying the child-support amount, and ordering payments to satisfy child-support arrears.

107. Vinson v. Vinson, DR-2012-215.02: Petition to Modify Child Support

a. Feb. 13, 2014: The father filed a petition to modify child support, claiming he had recently lost his job.

b. Feb. 23, 2015: Service on the mother was perfected.

c. Apr. 9, 2015: A hearing was held. The father failed to appear.

d. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission more than 9 months earlier.

e. July 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission more than 15 months earlier.

f. Aug. 2, 2016: **Nearly 16 months after the hearing, nearly 7 months after the first 6-month report, and more than 2 weeks after the second 6-month report**, Judge Kelly filed a 1-page order dismissing the petition for the father's failure to appear.

108. Barnes v. Dudley, DR-2014-176: Petition for Custody

a. Apr. 24, 2014: The mother filed a petition for custody.

b. Feb. 26, 2015: Another judge, who has been assigned the case, set the hearing for Mar. 31, 2015.

c. Apr. 1, 2015: The mother's petition was transferred to Judge Kelly.

d. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, claiming this case was taken under submission more than 9 months earlier on Mar. 31, 2015.

e. Feb. 25, 2016: **Nearly 11 months after she was assigned the case, and nearly 6 weeks after the 6-month report**, Judge Kelly filed an order setting a hearing for May 24, 2016.

f. May 24, 2016: A hearing was held, but neither party appeared.

g. Aug. 2, 2016: **More than 2 months after the hearing**, Judge Kelly set a hearing for Oct. 31, 2016.

h. Aug. 5, 2016: **More than 15 months after the case was assigned to her**, Judge Kelly entered an order dismissing the petition for failure to prosecute after neither party appeared at the May 24, 2016 hearing.

109. Williams v. Alexander, DR-2013-000154: Petition for Custody

a. May 21, 2013: The father filed a petition for joint custody and visitation guidelines.

b. June 5, 2013: Service on the mother was returned.

c. Feb. 10, 2014: **8 months after perfection of service**, Judge Kelly issued an order setting the final hearing for 1 hour on Mar. 3, 2014.

d. Feb. 26, 2014: The mother filed an answer.

e. Mar. 3, 2014: The final hearing was held (per the 6-month report).

f. Jan. 7, 2015: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission more than 10 months earlier and explaining, "Final Order in process."

g. Jan. 16, 2015: **20 months after the father filed his petition and 10 months after the final hearing**, Judge Kelly set a status review for 15 minutes on Feb. 5, 2015.

h. Feb. 2, 2015: Mail addressed to the father was returned as undeliverable.

i. Feb. 10, 2015: **More than 11 months after the final hearing**, Judge Kelly dismissed for failure

to prosecute; neither party appeared "despite records of the Clerk of Court indicating that each Party was appropriately notified of the status hearing." Alacourt does not contain a record of each party's notification of the status hearing.

110. Williams v. Hicks, DR-2013-900302.01: Joint Petition to Modify Child Support

   a. Oct. 31, 2014: The mother and father filed a joint petition and agreement to modify child support, noting that the father was assisting in paying for the children's cost of living but could not afford to pay the current amount, and requesting dismissal of the amount in arrears.

   b. Jan. 9, 2015: Judge Kelly entered an order setting the final hearing for Apr. 9, 2015.

   c. Apr. 9, 2015: **5 months after the joint motion was filed**, Judge Kelly held a final hearing.

   d. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission more than **9 months earlier** on Apr. 9, 2016.

   e. Feb. 26, 2016: **More than 15 months after the joint motion was filed, more than 10 months after the final hearing, and nearly 6 weeks after the 6-month report**, Judge Kelly entered an order granting the joint petition to modify and adopting the agreement.

111. Cooper v. Cooper, DR-2008-000870.02: Petition to Modify Child Support

   a. Sept. 23, 2014: The mother filed a petition for modification of child support. The filing shows "Joint" written on top, both parties' signatures, and the note "Want to close out support child and [clear] arrears. Please do a[n] order stopping child support no need for court."

b. Oct. 20, 2014: Service on the father was returned.

c. Mar. 10, 2015: **5 months after service**, Judge Kelly set a final hearing for May 14, 2015.

d. May 14, 2015: The case was taken under submission (per the 6-month report).

e. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission more than **8 months earlier**.

f. Feb. 29, 2016: **More than 16 months after service and 9 months after the hearing**, Judge Kelly entered an order dismissing the case.

112. Stokes v. Alexander, DR-2014-000129: Petition for Custody

a. Mar. 24, 2014: The father filed a petition for joint legal custody of child and requested visitation guidelines.

b. June 24, 2014: Service on the mother was returned.

c. July 16, 2014: The mother filed an answer.

d. Nov. 21, 2014: **More than 4 months later**, Judge Kelly entered an order setting the final hearing for Jan. 13, 2015.

e. Dec. 29, 2014: Judge Kelly canceled all hearings set for Jan. 12 – 13, 2015, noting that "a separate Order will be issued resetting your hearing date."

f. Feb. 23, 2015: **Nearly 2 months later**, Judge Kelly entered an order setting the final hearing for Apr. 16, 2015.

g. Apr. 16, 2015: **9 months after the mother's answer**, the final hearing was held.

h. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission 10 months earlier.

i. Jan. 19, 2016: **Nearly 19 months after service was perfected and more than 9 months after the hearing**, Judge Kelly issued an order awarding the father joint legal custody and visitation.

113. Smith v. Smith, DR-2010-000067.03: Petition for Contempt/Rule Nisi

a. Feb. 26, 2015: The State filed a contempt against for the father for non-payment of child support ($5,000 in arrears).

b. Apr. 6, 2015: Service on the father was returned.

c. Apr. 15, 2015: The referee recommended payment of arrears to DHR.

d. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission 9 months earlier.

e. Jan. 18, 2016: **9 months after the referee's recommendation**, Judge Kelly ratified it.

114. Murray v. McCray, CS-2003-000637.04: Petition to Modify Child Support

a. Feb. 26, 2016: The mother filed a petition to modify child support.

b. Apr. 18, 2016: Service on the father of the May 4, 2016 hearing date was returned.

c. May 3, 2016: The father objected to a hearing before a referee.

d. Feb. 7, 2017: **More than 9 months later**, Judge Kelly entered an order setting a hearing for Apr. 20, 2017.

e. Apr. 20, 2017: The hearing was held.

f. May 5, 2017: **More than 11 months after perfection of service**, Judge Kelly entered an order, increasing the child support by approximately 33%.

115. Murphy v. Gipson, CS-2000-000519.02: Petition for Contempt

a. Feb. 19, 2015: The mother filed a contempt motion against the father for failure to pay child support and insurance, and a motion to consolidate with DR-2014-000521, the father's petition for custody.

b. Mar. 18, 2015: Judge Kelly filed an order setting a hearing, with DR-14-000521, for Aug. 6, 2015.

c. Aug. 6, 2015: Hearing with DR-14-000521 was held.

d. Feb. 11, 2016: **More than 6 months after the hearing**, Judge Kelly issued an order in DR-14-000521. (The order covers the issue in CS-00-000519.02, but no notation of final order in the latter case, so it is still considered pending.)

116. Hardmon v. Raby, CS-2008-000108.04: Petition to Modify Custody

a. Jan. 8, 2016: The mother filed a complaint for sole custody.

b. Apr. 5, 2016: The mother's case was reassigned to Judge Kelly.

c. Dec. 1, 2016: **Nearly 8 months later**, Judge Kelly filed an order setting a hearing for Feb. 16, 2017.

d. Feb. 2, 2017: The mother filed a "CS-41 Income Statement/Affidavit," presumably in anticipation of the Feb 16, 2017 hearing.

e. There are no further entries on the CAS. **If a hearing was held, no order has been entered, nearly 6 months after the scheduled hearing and nearly 16 months after the case was assigned to Judge Kelly.**

117. Postell v. Postell, DR-2013-901163.01: Petition to Show Cause

a. Sept. 18, 2015: The former husband filed a petition to show cause. That same day, the former husband filed an affidavit of substantial hardship.

b. Nov. 13, 2015: Judge Kelly granted the affidavit of substantial hardship.

c. Dec. 17, 2015: The former wife filed an answer, counterclaim, and petition to divest former husband's interest in the marital home.

d. Apr. 6, 2016: Judge Kelly entered an order setting a hearing for June 23, 2016.

e. Jan. 15, 2017: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for nearly 7 years.

f. Mar. 31, 2017: Judge Kelly entered an order denying the former husband's contempt petition and ordering the former wife to refinance the marital home to remove the former husband's name from the mortgage.

118. Davis v Davis, DR-2003-289.01: Petition to Show Cause

a. Sept. 15, 2014: The former wife filed a petition to show cause, alleging the former husband had failed to pay more than $34,000 in child support.

b. Oct. 16, 2014: Service on the former husband was returned.

c. Mar. 9, 2015: **Nearly 5 months later**, Judge Kelly entered an order setting the final hearing for May 18, 2015.

d. May 18, 2015: The final hearing was held.

e. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission on May 18, 2015.

f. Mar. 1, 2016: **More than 9 months after the final hearing and 6 weeks after submitting the six-month report**, Judge Kelly entered an order granting the former wife's petition to show cause.

119. Mills v. Mills, DR-2015-900393: Petition for Custody

a. May 11, 2015: The father filed a complaint for custody and visitation, the mother's answer and waiver, the parties' joint settlement agreement, and various affidavits. The matter was under submission on this date.

b. Mar. 29, 2016: The father filed a mistitled "Renewed Motion for Entry of Final Decree of Divorce," noting that all issues had been resolved and moving for a final decree of custody.

c. Judge Kelly submitted 6-month reports to AOC on Jan. 15, 2016 and July 15, 2016, but did not include this matter, though it had been under

submission for more than 6 months during both reporting periods.

d. June 12, 2016: The father filed a motion identical to his Mar. 29, 2016 motion for entry of order.

e. June 13, 2016: **More than 13 months after the father filed his petition and settlement agreement**, Judge Kelly entered an order incorporating the parties' settlement agreement.

120. McGuire v. McGuire, DR-1979-18.04: Petition for Contempt

a. Mar. 23, 2011: The State of Alabama, on behalf of the former wife, filed a contempt petition against the former husband for failure to pay child support. That same day, a hearing before a referee was set for June 8, 2011.

b. Apr. 29, 2011: The former husband filed a motion objecting to the referee and requesting a hearing before a circuit court judge.

c. June 8, 2011: Judge Kelly entered an order granting the former husband's motion and resetting the matter before her for Aug. 2, 2011.

d. Aug. 2, 2011: A hearing was held. Judge Kelly continued the matter so the former wife and DHR could provide documentation concerning the arrearage at issue. That same day, Judge Kelly entered an order resetting the matter for Nov. 8, 2011.

e. Nov. 8, 2011: A hearing was held.

f. Judge Kelly submitted 6-month reports to AOC on Aug. 2, 2012, Jan. 31, 2013, and July 30, 2013 that should have included this matter.

g. Aug. 30, 2013: **Nearly 22 months after the hearing**, Judge Kelly entered an order denying the petition for contempt. In the order, Judge Kelly noted the State failed to provide the requested documentation at the Nov. 8, 2011 hearing. Judge Kelly also noted that she "ruled from the bench that the State/DHR/Plaintiff failed to prove the child support arrears and interest calculations as alleged in the Petition" and that the State's attorney failed to submit a proposed order within seven days of the hearing as directed.

121. Bates v. Smith, DR-2012-436: Petition for Custody

a. June 14, 2012: The father filed a complaint for custody, visitation, and child support modification.

b. July 10, 2012: Service on the mother was returned.

c. Jan. 3, 2013: **Nearly 6 months after service**, Judge Kelly filed an order setting a hearing for Mar. 7, 2013.

d. Mar. 7, 2013: The final hearing was held.

e. Feb. 3, 2014: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for nearly 11 months.

f. July 16, 2014: **More than 18 months after the hearing**, Judge Kelly entered an order granting the father's request for joint legal custody and standard visitation.

g. Sep. 8, 2014: Judge Kelly submitted a 6-month report to AOC, but did not include this matter,

though it had been under submission for more than 18 months during the relevant reporting period.

122. Boyer v. Hardigee, DR-2004-994.05: Petition to Show Cause / Petition for Custody and to Modify Support

a. Dec. 6, 2010: The former wife filed a petition for contempt, alleging the former husband was in child support arrears in the amount of $2,128. That same day she filed an affidavit of substantial hardship.

b. Jan. 3, 2011: The former husband filed a petition for contempt and to modify child support, alleging he was not receiving his court-ordered visitation and requesting a modification to his child support obligations due to his becoming unemployed.

c. Feb. 10, 2011: Judge Kelly granted both parties' affidavits of substantial hardship. That same day, Judge Kelly entered an order setting both petitions for a hearing on May 17, 2011.

d. May 17, 2011: A hearing was held.

e. July 11, 2011: The former wife filed a notice of non-compliance, alleging the former husband was continuously violating the court-ordered visitation arrangement and failing to pay child support. She also reminded Judge Kelly there was a hearing nearly 2 months earlier and she was in financial hardship due to the former husband's continued failure to pay support.

f. July 20, 2011: The former wife filed a motion for emergency hearing, again alleging the former husband was not complying with the visitation order and his child support obligations. The former wife also stated "we had a court date on

May 17th 2011 . . . I'm begging the courts to help me with this situation concerning the best interest for my [child]."

g. July 21, 2011: Judge Kelly entered an order granting the former wife's motion for an emergency hearing and setting the matter for a hearing on Aug. 23, 2011.

h. July 27, 2011: Judge Kelly entered an order resetting the emergency hearing for Aug. 8, 2011.

i. Jan. 6, 2012: Judge Kelly entered two orders: 1) an order from the May 17, 2011 hearing, modifying the parties' visitation arrangement and significantly lowering the former husband's child support obligations from $685/month to $50/month; and 2) an order from the Aug. 8-9, 2011 emergency hearing, granting the former husband temporary physical custody of the child and ordering the former wife to pay child support, to be deducted from the amount the father owed in arrears.

j. Jan. 31, 2012: Judge Kelly entered an order, "upon the court's own review of the file," setting the matter for a final hearing on June 11, 2012.

k. Mar. 9, 2012: Judge Kelly submitted a 6-month report to AOC for the reporting period from July 1, 2011 through Dec. 31, 2011, but did not include this matter, though the two contempt petitions had been under submission for more than 7 months during the relevant reporting period.

l. June 11, 2012: A hearing was held.

m. June 19, 2012: Another hearing was held.

n. July 26, 2012: The former wife filed an emergency request for an order from the June 2012 hearings.

That same day, Judge Kelly entered an order denying the former husband's petition for modification of custody.

123. Boyer v. Rogers, DR-2004-994.06: Petition to Modify / Petition to Show Cause

a. Feb. 26, 2014: The former wife filed petitions to modify and to show cause, alleging the former husband's child support obligation should be increased and that he was nearly $5,000 in arrears. That same day she filed an affidavit of substantial hardship.

b. Apr. 7, 2014: Judge Kelly granted the former wife's affidavit of substantial hardship.

c. May 15, 2014: The former husband filed an answer.

d. Jan. 21, 2015: **More than 8 months later**, Judge Kelly entered an order setting a hearing for Mar. 12, 2015.

e. Mar. 12, 2015: The final hearing was completed.

f. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for more than 10 months.

g. Jan. 18, 2016: **More than 10 months after the final hearing**, Judge Kelly entered an order modifying the former husband's child support payments and ordering him to pay off the current arrearage.

124. Rembert v. Ware, DR-2014-245: Petition for Custody

a. June 5, 2014: The father filed a complaint for custody, requesting joint custody. That same day he filed an affidavit of substantial hardship,

which was docketed on Alacourt as a motion for default judgment.

b. Sep. 2, 2014: **Nearly 3 months later**, Judge Kelly entered an order granting the father's affidavit of substantial hardship and waiving the prepayment of docket fees.

c. Dec. 5, 2014: Judge Kelly entered an order for the father to perfect service within 14 days or the petition would be dismissed.

d. Dec. 19, 2014: Service on the mother was returned.

e. Mar. 9, 2015: **Nearly 3 months later**, Judge Kelly entered an order setting a hearing for May 28, 2015.

f. May 28, 2015: A hearing was held.

g. Nov. 11, 2015: **Nearly 6 months after the hearing**, the mother filed a handwritten letter requesting an order because of issues she and the child were having with the father.

h. Jan. 14, 2016: **Nearly 8 months after the hearing**, the father filed a handwritten response to the mother's letter in which he reminded Judge Kelly "we were in your courtroom on May 28, 2015 and you never sent us any orders."

i. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case had been under submission for more than 6 months.

j. Feb. 19, 2016: **Nearly 9 months after the hearing, more than 3 months after the mother's request for an order, and more than 1 month after the father's request for an order**, Judge Kelly entered

an order awarding joint legal custody and the mother primary physical custody of the child.

125. Roney v. Thompson, DR-2011-1382: Petition for Custody and Modification of Visitation

a. Dec. 5, 2011: The father's petition for custody and modification of visitation and support was transferred to Judge Kelly's domestic relations docket from her juvenile docket.

b. Jan. 19, 2012: Judge Kelly entered an order consolidating this matter with the mother's pending motion for contempt (DR-2011-1417).

c. Feb. 6, 2012: Judge Kelly entered an order setting the final hearing for Mar. 26, 2012.

d. Mar. 1, 2012: The mother filed a motion to continue.

e. Mar. 6, 2012: Judge Kelly granted the mother's motion to continue.

f. Mar. 26, 2012: The father filed a motion to retract the continuance, arguing he never received notice of the mother's motion and requesting a ruling on his request for a paternity test.

g. Mar. 29, 2012: Judge Kelly entered an order directing the father and child to undertake a paternity test.

h. Apr. 2, 2012: This matter was set for a hearing on May 10, 2012.

i. May 10, 2012: A hearing was held.

j. Jan. 31, 2013: Judge Kelly submitted a 6-month report to AOC, but did not include this matter

though it had been under submission for more nearly 8 months during the relevant reporting period.

k. July 24, 2013: **More than 14 months later**, Judge Kelly issued an order modifying the father's child support obligation.

l. July 30, 2013: Judge Kelly submitted a 6-month report to AOC, but did not include this matter though it had been under submission for nearly 14 months during the relevant reporting period.

126. Ringstaff v. Hails, DR-2012-000669.00: Petition for Custody

a. Aug. 29, 2012: The father filed a petition for joint custody.

b. Oct. 11, 2012: Service on the mother was returned.

c. Oct. 31, 2012: The mother filed an answer.

d. Jan. 30, 2013: **3 months later**, Judge Kelly entered an order setting hearing for Apr. 16, 2013.

e. Apr. 11, 2013: Judge Kelly entered an order cancelling the Apr. 16, 2013 hearing due to a conflict on the court's calendar.

f. Apr. 23, 2013: Judge Kelly entered an order setting hearing for Aug. 8, 2013.

g. Aug. 8, 2013 **10 months after mother filed her answer**, a hearing was held.

h. Jul. 16, 2014 **22 months after the father filed his petition and 11 months after the hearing**, Judge Kelly issued a final order.

127. Ringstaff v. Hails, DR-2012-669.01: Petition for Contempt

   a. Jan. 27, 2015: The mother filed a motion for contempt against the father for failure to pay child support and failure to follow the court's order.

   b. May 13, 2015: Service on the father was returned.

   c. Nov. 30, 2016: **18 months after service perfected**, Judge Kelly entered an order setting a hearing for Dec. 29, 2016.

   d. Jan. 30, 2017: **20 months after service was perfected and 2 months after the hearing**, Judge Kelly issued an order that the July 16, 2014 order (in .01) remain in full force and effect.

128. Andrus Love v. Lametric Maddox, DR-2012-745.01: Emergency Petition for Temporary Custody

   a. Apr. 9, 2014: The father filed an emergency ex-parte petition for temporary custody because the mother had been in an accident. Judge Kelly set a hearing for Apr. 11, 2014.

   b. Apr. 10, 2014: The mother filed an answer and a counterclaim for contempt.

   c. Apr. 11, 2014: Apparently, at the hearing, parties agreed to modify visitation, but that issue would be reconsidered when the mother medically cleared to drive. (Judge Kelly did not issue an order.)

   d. Aug. 1, 2014: The mother filed a motion for a status conference, notifying Judge Kelly that she wished to return to the regular visitation schedule.

e. Aug. 27, 2014: The father filed a petition for contempt.

f. Sept. 25, 2014: The mother filed an answer and a counterclaim.

g. Oct. 24, 2014: The father filed an answer.

h. Dec. 23, 2014: **2 months later**, Judge Kelly entered an order setting the final hearing on all issues for Mar. 31, 2015.

i. Mar.25, 2015: The parties filed a joint motion to continue.

j. Mar. 30, 2015: Judge Kelly granted the continuance without rescheduling.

k. Jan. 14, 2016: **10 and a half months later**, Judge Kelly entered an order setting a hearing for Apr. 14, 2016.

l. Apr. 13, 2016: The parties filed a motion to continue, alleging they were close to settlement.

m. Apr. 14, 2016: Judge Kelly granted the continuance without rescheduling.

n. Aug. 1, 2016: **3-1/2 months later**, Judge Kelly entered an order setting a hearing for Oct. 31, 2016.

o. Oct. 31, 2016: A hearing was held. Judge Kelly ordered the mother's attorney to submit a proposed order.

p. Nov. 4, 2016: The mother submitted a proposed order (per her Jan. 2, 2017 Motion to Enter Order).

q. Jan. 2, 2017: **Nearly 2 months later**, the mother filed a motion for final order, noting the trial was completed on Oct. 31, 2016 and that the mother had submitted a proposed order 2 months earlier. The mother attached an updated proposed order.

r. Jan. 17, 2017: **Two and a half months after the hearing**, Judge Kelly issued a final order.

129. Schmacker v. Schmacker, DR-1998-868.01: Petition for Contempt

a. Mar. 6, 2014: The mother filed a petition for contempt for failure to pay child support and for modification.

b. Mar. 13, 2014: Service on the father was returned.

c. Apr. 3, 2014: The father filed an answer and counterclaim.

d. June 6, 2014: The mother filed a motion for a standard pendente lite order and for a trial date, noting that a pendente lite order and a trial date would facilitate discovery, scheduling, and possible settlement. That same day, the mother also filed a motion to compel discovery production.

e. Jan. 13, 2015: **7 months after her first motion**, the mother filed another motion to set a trial date and issue a pendente lite order, noting the case had been pending for over 10 months. That day, Judge Kelly set the matter for trial on May 11, 2015.

f. Feb. 19, 2015: **8 months after the mother filed a motion to compel**, Judge Kelly ruled on it.

g. May 11, 2015: **14 months after the petition was filed**, Judge Kelly held a final hearing. The parties announced they had reached an agreement.

h. June 13, 2015: The father filed a proposed 1-page final order.

i. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for **more than 8 months.**

j. June 24, 2016: **More than 27 months after the petition was filed and 12 months after proposed order was filed**, Judge Kelly issued a 1-page final order.

130. Hatch v. Hatch, DR-1994-1078.02: Petition for Contempt

a. July 6, 2015: The former wife filed a petition to show cause why the former husband should not be held in contempt for failure to pay alimony.

b. Dec. 11, 2015: The former husband filed an answer.

c. Jan. 12, 2016: The former wife filed a motion to set final hearing.

d. Jan. 14, 2016: Judge Kelly entered an order setting the final hearing for Mar. 29, 2016.

e. Mar. 29, 2016: The final hearing was held.

f. Mar. 30, 2016: The former wife submitted a proposed order to Judge Kelly's proposed-order queue.

g. Apr. 1, 2016: The former husband submitted a proposed order to Judge Kelly's proposed-order queue.

h. Nov. 22, 2016: **Nearly 8 months after the final hearing**, Judge Kelly entered a final order denying the former wife's petition.

i. Jan. 31, 2017: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for more 9 months during the relevant reporting period.

131. Osten v. Manning, DR-1999-540.02: Petition for Contempt/Modify

a. May 19, 2014: The mother filed a petition to show cause for failure to pay $28,445 in child support arrears and a petition to modify.

b. May 21, 2014: The father was served (but not entered into Alacourt until Nov. 13, 2014).

c. Mar. 12, 2015: Judge Kelly entered an order setting the final hearing set for June 23, 2015.

d. June 23, 2015: The final hearing was held.

e. Judge Kelly should have, but did not report this case on the 6-month reports of Jan. 15, 2016 and July 15, 2016.

f. June 24, 2016: **25 months after the petition was filed and 12 months after the final hearing**, Judge Kelly entered a 2-page final order.

132. Burton v. Burton, DR-2012-900732.01: Petition for Contempt

a. Dec. 23, 2014: The mother filed a petition to show cause for failure to pay child support.

b. July 30, 2015: Service on the father was returned.

c. Nov. 4, 2015: **3 months after service was perfected**, Judge Kelly entered an order consolidating the mother's petition with the father's petition to modify (filed Sept. 3, 2015, and based on a decrease in his income after leaving the military, .02), and set the matter for trial for 3:30 p.m. on Dec. 1, 2015.

d. Dec. 1, 2015: At 2:07 p.m., Judge Kelly issued an order setting the final hearing for Dec. 4, 2015.

e. Dec. 4, 2015: The final hearing was held, but the father failed to appear.

f. June 24, 2016: **6 and a half months after the final hearing**, Judge issued 1-1/2 page final order granting the mother's petition to show cause and denying the father's petition to modify because of his failure to appear and prosecute his petition.

133. Cody v. Cody, DR-2011-900181.03: Petition to Modify Custody

a. Mar. 9, 2015: The mother filed a petition for modification of custody.

b. July 6, 2015: **Nearly 3 months after** the father's answer and counterclaim, and the mother's answer to the counterclaim, had been filed, the mother filed a motion to set a final hearing.

c. Aug. 5, 2015: The father filed a motion seeking a scheduling order and appointment of a GAL.

d. Aug. 20, 2015: Judge Kelly appointed a GAL.

e. Sept. 30, 2015: The father filed a motion seeking pendente lite relief, alleging the mother had been in constant violation of their custody agreement.

f. Jan. 19, 2016: The father filed a second motion seeking pendente lite relief, noting that the

mother was still in violation of the custody agreement. That same day, the father also filed a second motion for a scheduling order.

g. June 2, 2016: The father filed another motion for an immediate pendente lite hearing.

h. June 10, 2016: **11 months after the mother moved for a final hearing, 10 months after the father filed his first request for a scheduling order, and 5 months after he filed his second request,** Judge Kelly entered an order setting the final hearing for Sept. 12, 2016.

i. June 23, 2016: The mother filed a motion for contempt and a motion for a pendente lite hearing.

j. June 28, 2016: **9 months after the father filed his motion for pendente lite relief,** Judge Kelly, after a telephone conference, entered an order granting the father's request for visitation to begin on July 1.

k. Sept. 12, 2016: **18 months after the mother filed her petition,** Judge held the final hearing where parties filed settlement agreement.

l. Sept. 19, 2016: Judge issued a final order.

134. Dickinson v. Dickinson, CS-2015-900164: Complaint for Paternity, Custody, and Child Support

a. Feb. 27, 2015: The mother filed a complaint for paternity, custody, and child support.

b. Mar. 19, 2015: Service on the alleged father was returned.

c. Apr. 6, 2015: After the alleged father had filed an answer and counterclaim, and after the mother had filed an answer to the counterclaim, the mother filed for a pendente lite order.

d. May 11, 2015 The alleged father filed "Motion to Set Pendente Lite Hearing," noting the mother moved for a pendente lite hearing more than a month earlier.

e. July 16, 2015: The mother filed a motion to set a final hearing.

f. Oct. 1, 2015: The mother filed a second motion to set a final hearing.

g. Oct. 28, 2015: **8 months after the complaint was filed, and after multiple motions asking for a hearing**, Judge Kelly set the hearing for Nov. 10, 2015.

h. Nov. 10, 2015: A hearing was held. The parties and Judge Kelly treated it as a pendente lite hearing.

i. Nov. 19, 2015: Both parties submitted proposed pendente lite orders to Judge Kelly's proposed-order queue.

j. May 18, 2016: **13 months after the mother moved for a pendente lite order and 6 months after the pendente lite hearing was held**, the mother moved for an order setting a final hearing. Her motion pointed out that Judge Kelly had not issued any order regarding the pendente lite hearing.

k. July 10, 2016: Judge Kelly set a hearing for Sept. 1, 2016.

l. Sept. 1, 2016: **At the hearing held 18 months after complaint filed**, the parties announced they had reached an agreement.

m. Sept. 2, 2016: The settlement agreement and a proposed order were submitted.

n. Dec. 29, 2016: **Nearly 4 months after the agreement was filed**, Judge Kelly issued a 1-page final order.

135. Jarrell v. Jarrell, DR-2011-900109.03: Emergency Motion for Custody

a. Nov. 12, 2014: The mother filed an emergency motion for temporary sole custody.

b. Dec. 4, 2014: The father filed an answer.

c. Mar. 10, 2015: **More than 3 months later**, Judge Kelly entered an order setting a hearing for June 25, 2016.

d. June 22, 2015: Judge Kelly granted the GAL's motion to continue without resetting the hearing date.

e. Jan. 14, 2016: **Nearly 7 months later**, Judge Kelly reset the hearing for Apr. 12, 2016.

f. Apr. 11, 2016: The father filed a renewed motion to dismiss, a response to mother's motion for emergency custody, and a motion for rule nisi.

g. Apr. 12, 2016: **17 months after the mother filed emergency petition**, Judge held a hearing; the parties announced they had reached a settlement agreement.

h. June 28, 2016: Judge Kelly entered an order setting a hearing for Sept. 19, 2016 for "Parties' pending motions."

i. July 5, 2016: **Nearly 20 months after the mother filed her emergency petition and nearly 3 months after the parties announced their agreement at a hearing**, Judge Kelly issued a final order incorporating the parties' Apr. 12 agreement.

j. Sept. 27, 2016: The father filed a motion for child support and an income-withholding order ("IWO").

k. Apr. 18, 2017: **Nearly 7 months later**, Judge Kelly granted the father's motion for child support and IWO.

136. Smith v. Smith, DR-2013-900986: Petition for Declaratory Judgment

a. Oct. 21, 2013: The plaintiff filed a petition for declaratory judgment (adjudging her the deceased's common-law wife).

b. Dec. 16, 2013: Service on the deceased's brother was returned.

c. Dec. 16, 2013: The deceased's brother filed a 3-sentence answer, stating the plaintiff and the deceased were married for over 20 years and told everyone they were married.

d. Jan. 20, 2015: 13 months later, Judge Kelly entered an order setting the final hearing for Apr. 20, 2015.

e. May 8, 2015: Judge Kelly entered an order setting for a hearing for Aug. 24, 2015.

f. Aug. 4, 2015: Judge Kelly entered an order resetting the final hearing for Sept. 18, 2015, due to a scheduling conflict with court's calendar.

g. Aug. 26, 2015: 20 months after the answer was filed and 7 months after the first hearing date, Judge Kelly entered an order setting the final hearing for Sept. 22, 2015, due to scheduling conflict with court's calendar.

h. Sept. 18, 2015: The Plaintiff filed a motion to continue due to attorney's conflict.

i. Sept. 21, 2015: Judge Kelly granted motion to continue and reset the matter for Jan. 12, 2016.

j. Dec. 9, 2015: Judge Kelly entered an order resetting the final hearing for Dec. 29, 2015, due to scheduling conflict with court's calendar.

k. July 15, 2016: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for more than 7 months.

l. Aug. 3, 2016: 33 months after the petition was filed, 31 months after the answer agreeing with the requested relief was filed, and 8 months after the hearing, Judge Kelly issued a 1-1/4 page final order.

137. Alonzo v. Lloyd, DR-2008-900046.01: Petition to Show Cause

a. Sept. 24, 2009: The former husband filed a petition for contempt against the former wife, alleging she would not allow him visitation of their children. That same day he filed an affidavit of substantial hardship.

b. Nov. 3, 2009: Judge Kelly granted the affidavit of substantial hardship and set the matter for a hearing on Dec. 29, 2009.

c. Dec. 9, 2009: The former husband filed a motion to continue due to his current incarceration.

d. Dec. 11, 2009: Judge Kelly entered an order resetting the hearing for Mar. 4, 2010.

e. Mar. 4, 2010: The former wife filed an answer and counterclaim, alleging the former husband had failed to pay support pursuant to a court order. Presumably, a hearing was held on this date.

f. Jan. 19, 2011: **Nearly 10 months after the hearing**, Judge Kelly entered an order denying the former

husband's petition for contempt and setting a hearing on the former wife's counterclaim for Apr. 19, 2011.

g. Apr. 19, 2011: A hearing was held, but testimony was not completed.

h. Apr. 21, 2011: Judge Kelly entered an order resetting the matter for Apr. 28, 2011.

i. May 9, 2011: Judge Kelly entered an order resetting the matter for May 24, 2011 after the former husband claimed he did not receive notice of the Apr. 28, 2011 hearing.

j. May 24, 2011: The trial was completed.

k. May 31, 2011: The former wife submitted a proposed order.

l. Feb. 9, 2012: **More than 8 months after the trial was completed**, Judge Kelly entered an order finding the former husband in contempt and ordering his incarceration until and unless he purges himself of contempt by paying $2,500 towards his child support arrears.

m. Mar. 9, 2012: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for 6 months during the relevant reporting period.

138. Nelson v. Nelson, DR-2014-900955: Petition to Modify Custody

a. Oct. 21, 2014: The father filed "Petition to Exercise Home State Jurisdiction, Pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act and Petition to Modify Custody."

b. Nov. 19, 2014: The father filed a motion for emergency hearing.

c. Feb. 19, 2015: 3 months later, Judge Kelly denied the father's motion for emergency hearing that had been pending awaiting service to be perfected on mother.

d. Mar. 17, 2015: Judge Kelly granted the father's motion for service by publication, with final publishing date of Apr. 23, 2015.

e. June 1, 2015: The father filed for entry of default judgment.

f. June 26, 2015: The circuit clerk entered default against the mother.

g. July 20, 2015: The father filed an amended application for entry of default judgment.

h. July 22, 2015: Judge Kelly entered an order setting a hearing for Oct. 1, 2015.

i. Aug. 26, 2015: Judge Kelly entered an order resetting the hearing for Dec. 17, 2015, due to scheduling conflict with court's calendar.

j. Aug. 28, 2015: Judge Kelly entered an order resetting the hearing for Sept. 22, 2015, due to scheduling conflict with court's calendar.

k. Apr. 26, 2016: 18 months after the father filed his petition, 9 months after the father filed his amended-default-judgment application, and 7 months after the hearing, Judge Kelly dismissed the father's petition, in a 5-sentence order, because of lack of evidence the child had ever resided in Alabama for a period of 6 months, i.e., lack of jurisdiction.

l. May 25, 2016: The father filed a motion to alter, amend, or vacate.

m. June 1, 2016: Judge Kelly entered an order setting a hearing for Aug. 18, 2016.

n. Aug. 23, 2016: 22 months after the father filed his petition, Judge Kelly granted his petition, finding the court did have jurisdiction.

139. Duncan v. Duncan, DR-2009-862.03: Petition for Contempt

a. Feb. 28, 2013: The father filed a petition for contempt against the mother for denial of visitation for 2 years and modification of child support.

b. May 9, 2013: Service on the mother was returned.

c. July 29, 2013: Judge Kelly entered an order setting the final hearing for Nov. 14, 2013.

d. Nov. 8, 2013: Judge Kelly cancelled the hearing due to a conflict with the court's calendar; no hearing reset.

e. Feb. 9, 2015: **15 months after Judge Kelly cancelled the hearing**, Judge Kelly entered an order setting the final hearing for May 11, 2015.

f. May 11, 2015: **26 months after the father filed the petition**, Judge Kelly held the final hearing.

g. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been taken under submission more than 8 months earlier.

h. July 15, 2016: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission on May 11, 2015, giving no specific reason why the case had been under submission **for over 14 months**.

i. Aug. 2, 2016: **Almost 3 and a half years after the father filed his petition and 14 and a half months after the hearing**, Judge Kelly issued a final order. She noted both parents testified the father had not seen the now-8-year-old child in about 5 years.

140. Johnson v. Johnson, DR-1995-1115.02: Petition for Post Minority Support for College

a. May 13, 2011: The mother filed a petition to modify child support, requesting a continuation post-minority and an increase to pay for the child's higher education costs.

b. June 3, 2011: The father filed an affidavit for termination of an income withholding order, noting the child reached the age of majority on June 1, 2011.

c. Aug. 16, 2011: **More than 2 months later**, Judge Kelly entered an order terminating the income withholding order.

d. Sep. 2, 2011: Judge Kelly entered an order setting a hearing for Sep. 19, 2011.

e. Sep. 19, 2011: A hearing was held.

f. Judge Kelly submitted 6-month reports to AOC on Aug. 2, 2012 and Jan. 31, 2013 that should have included this matter.

g. July 26, 2013: **Nearly 22 months later**, Judge Kelly entered an order adopting a settlement agreement reached between the parties. In the order, Judge Kelly notes she requested a proposed order, but none was received "causing this action to be in active status with no final order issued to date."

h. July 29, 2013: Judge Kelly submitted a 6-month report to AOC, but did not include this matter though it had been under submission for nearly 2 years during the relevant reporting period.

141. McCann v. McCann, DR-2005-502.01: Petition for Contempt

a. Feb. 24, 2010: The wife filed a Petition for contempt for failure to pay child support and alimony.

b. Apr. 15, 2010: The husband filed a Counter Petition to Modify Divorce Decree.

c. Apr. 29, 2010: The final hearing was set for July 13, 2010.

d. Jan. 11, 2011: After several party-requested continuances, the final hearing was set for Feb. 25, 2011.

e. Apr. 12, 2011: Judge Kelly entered a final Order granting the wife's petition for contempt and setting status report for compliance on June 23, 2011.

f. Apr. 29, 2011: The wife filed a motion to reconsider or to alter or amend to add interest to the Apr. 13, 2011 arrearage order.

g. June 17, 2011: Judge Kelly set the post-trial motion to add interest to the judgment for July 18, 2011.

h. June 27, 2011: The husband notified the court of his compliance with the Apr. 12, 2011 order.

i. July 18, 2011: A hearing was held on the pending post-trial motion.

j. Judge Kelly should have, but did not report this case on the 6-month reports of Mar. 9, 2012, Aug. 2, 2012, and Jan. 31, 2013.

k. Jan 28, 2013: **18 months after the July 18 2011 hearing**, Judge Kelly entered an order adopting the agreement reached on July 18, 2011.

142. Findley v. Findley, DR-2007-900052.01 Petition for Contempt

a. Sept. 9, 2011: The former wife filed a motion to reconsider Judge Kelly's Aug. 26, 2011 order finding her in contempt for failure to make the children available for visitation and denying her petition for contempt of the ex-husband.

b. Dec. 12 2011: Judge Kelly held a hearing on the former wife's motion to reconsider and orally denied the motion.

c. Apr. 18, 2013: **More than 16 months after the hearing**, Judge Kelly entered an order denying the motion.

143. Chappell v. Phifer and Walters DR-2011-000588: Petition for Custody

a. June 7, 2011: The paternal grandmother, who had taken care of the child since its birth, filed a petition for the custody of her grandchild born to minor unwed parents, who consented to the physical custody with joint legal custody.

The minor parents each filed an acceptance and waiver at or about the same time as the petition for custody and a joint settlement agreement.

The petitioner submitted a proposed order to Judge Kelly's proposed-order queue.

144. Dec. 21, 2011: **More than 6 months after the acceptance and waiver, settlement, and proposed**

order were filed, Judge Kelly entered a final order almost identical to the proposed order filed on June 17, 2011.

145. Johnson v. Johnson, DR-1998-882.04: Petition for Contempt

a. Aug. 14, 2008: The mother filed a petition for contempt against the father for failure to pay child support and arrearage.

b. Dec. 10, 2008: The final hearing was held.

c. July 1, 2009: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission nearly 7 months earlier.

d. Aug. 31, 2009: **Over 8 months after the final hearing**, Judge Kelly filed an order holding the father in contempt and ordering payment of child support arrearage.

D. Protection from Abuse Cases

146. The "Protection From Abuse Act" ("Act"), enacted in 1981, assures victims of domestic violence the maximum protection from abuse that the law can provide. § 30-5-1. The Legislature specifically mandated it be applied to create a "speedy remedy to discourage violence and harassment." § 30-5-1(b)(2). Additionally, the Act provides for court hearings for petitions for relief, and for the contents and the issuance of protection orders. § 30-5-1(b)(6).

147. To these ends, the Act sets out mandatory time periods for hearings and temporary ex-parte orders. The court "shall hold a hearing after the filing of petition . . . upon the request of the defendant or within 10 days of the perfection of service." § 30-5-6(a).

148. The Act provides that a court "shall grant or deny a petition for a temporary ex parte protection order . . . within three business days of the filing of the petition." § 30-5-6(b). This provision was added by Acts 2010-538, effective July 1, 2010. Any granted temporary ex-parte protection order shall be effective until the final hearing date. Id.

149. Judge Kelly has displayed an unreasonable and unjustifiable pattern and practice of delay in hearing and issuing final orders in PFA cases. The following are examples of delayed PFA actions :

150. Sands v. Cleveland, DR-2013-180

a. June 11, 2013: The petitioner filed a PFA petition.

b. June 12, 2013: Judge Kelly issued an ex-parte temporary PFA order.

c. June 18, 2013: The defendant was served.

d. June 27, 2013: **Although required to hold a hearing by June 28, 2013,** per § 30-5-6(a), Judge Kelly set the hearing for Aug. 22, 2013.

e. Aug. 22, 2013: The final hearing was held.

f. Sept. 5, 2014: **12 months later,** Judge Kelly submitted a 6-month report to AOC, but did not include this matter.

g. Jan. 7, 2015: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission over 16 months earlier and claiming, "Final Order in process."

h. Judge Kelly should have, but did not report this case on the 6-month reports of Aug. 3, 2015 and Jan. 15, 2016.

i. Feb. 23, 2016: **32 months after Judge Kelly was statutorily required to hold the hearing and 30 months after the hearing,** Judge Kelly issued an order dismissing the case, stating neither party appeared at the Aug. 22, 2013 hearing, and vacating her ex parte order. (Notice to both parties was returned undelivered.)

151. Armstrong v. Chappell, DR-2014-900085

a. Feb. 4, 2014: The plaintiff filed a PFA petition. Judge Kelly issued an ex-parte temporary PFA order.

b. Feb. 11, 2014: Service on the defendant was returned.

c. Mar. 27, 2014: **Although required to hold a hearing by Feb. 21, 2014,** per § 30-5-6(a), Judge Kelly issued an order setting a hearing for Apr. 15, 2014.

d. Apr. 10, 2014: Mail addressed to the defendant at the city jail was returned undelivered.

e. Apr. 15, 2014: **Nearly two months after expiration of the statutory period to hold the hearing**, the final hearing was held (per the 6-month report).

f. Jan. 7, 2015: Judge Kelly submitted a 6-month report to AOC, acknowledging this case was taken under submission nearly 9 months earlier and claiming, "Final Order in process."

g. Aug. 3, 2015: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for nearly 16 months.

h. Jan. 15, 2016: Judge Kelly's 6-month report acknowledged this case was taken under submission 21 months earlier and explained the delay was due to "insufficient staff and assumption of additional administrative responsibilities."

i. July 15, 2016: Judge Kelly's 6-month report acknowledged this case was taken under submission 27 months earlier and claimed, "These cases have been under advisement for various reasons to include delayed receipt of an agreement from counsel, inability to obtain transcript from hearing from substitute reporter and additional time needed to prepare orders based on demands/schedule of judge and court reporter."

j. Aug. 1, 2016: **30 months after Judge Kelly was statutorily required to hold the final hearing**, she entered an order setting a hearing for Aug. 25, 2016.

k. Aug. 23, 2016: Mail addressed to the defendant and the plaintiff was returned "unable to forward."

l. Sept. 2, 2016: **31 months past that statutory deadline**, Judge Kelly entered an order dismissing for lack of prosecution and vacating her ex-parte

order. It stated: "Court records indicate that service of the Petition was perfected on the Defendant and the Clerk of Court noticed both Parties of the hearing date and time."

152. Tarrance v. Salery, DR-2012-519

a. June 28, 2012: The mother filed a PFA petition, alleging the father threatened her with a firearm and held her and their children against their will.

b. July 2, 2012: Judge Kelly issued an ex-parte temporary PFA order.

c. July 12, 2012: Service on the father was returned.

d. July 16, 2012: **Although required to hold a hearing by July 22, 2012**, per § 30-5-6(a), Judge Kelly filed an order setting the hearing for Aug. 23, 2012. There is no indication this hearing was held.

e. Jan. 31, 2013: Judge Kelly submitted a 6-month report to AOC, claiming this case was taken under submission more than 7 months earlier on June 28, 2012.

f. Feb. 28, 2013: Judge Kelly issued an order setting hearing for May 30, 2013.

g. May 30, 2013: **10 months after the expiration of the statutory period for a hearing, Judge Kelly held the hearing.** The father failed to appear.

h. May 31, 2013: The mother submitted a proposed PFA order.

i. Aug. 5, 2013: **More than 2 months after the hearing, and nearly 12 months after the hearing was required to have been held**, Judge Kelly filed an order, dated Aug. 1, 2013, holding the father

in contempt for failure to appear, ordering his arrest, and issuing a PFA order against him.

153. Brasswell v. Moore, DR-2016-192

a. Apr. 11, 2016: The plaintiff filed a PFA petition. Judge Kelly issued an ex-parte temporary PFA order.

b. Apr. 27, 2016: Service on the defendant was returned.

c. May 5, 2016: **Although required to hold a hearing by May 7, 2012**, per § 30-5-6(a), Judge Kelly issued an order setting the hearing for May 26, 2016.

d. May 6, 2016: Judge Kelly reset the hearing to June 6, 2016 .

e. May 16, 2016: Judge Kelly entered an order stating the previous setting of June 6, 2016 was made in error, and resetting the hearing for June 16, 2016.

f. May 17, 2016: Plaintiff filed 2 motions. The first, filed at 8:47 A.M., was a handwritten motion to dismiss because the plaintiff and defendant "have reconciled our problems and are on a better note." The second, filed at 10:02 A.M., was a handwritten request to keep the PFA in effect because the defendant allegedly had "split personalities."

g. June 16, 2016: A hearing on the PFA petition was held.

h. July 25, 2016: **Nearly 3 months after service, and more than 1 month after the hearing**, Judge Kelly issued an order denying the petition and vacating the ex-parte order.

154. Addison v. Stokes, DR-2016-227

a. Apr. 22, 2016: Former husband filed a PFA petition against the former wife. Judge Kelly entered an ex-parte temporary PFA order.

b. Apr. 29, 2016: Service on the defendant was returned.

j. May 5, 2016: **Although required to hold a hearing by May 9, 2016**, per § 30-5-6(a), Judge Kelly filed an order setting the hearing for May 26, 2016.

c. May 6, 2016: Judge Kelly reset the hearing for June 9, 2016

d. June 9, 2016: A hearing on the PFA petition was held.

e. July 25, 2016: **3 months after service, and more than 1 month after the hearing**, Judge Kelly issued an order denying the petition and vacating the ex-parte order.

155. Smith v. Hawkins, DR-2016-900308

a. Apr. 12. 2016: The husband filed a PFA petition after his wife allegedly slashed his face with a box cutter.

b. Apr. 13, 2016: Judge Kelly entered an ex-parte temporary PFA order.

c. Apr. 23, 2016: Service on the defendant was perfected.

d. May 5, 2016: **Although required to hold a hearing by May 3, 2016**, per § 30-5-6(a), Judge Kelly filed an order setting the hearing for May 26, 2016.

e. May 6, 2016: Judge Kelly reset the hearing for June 9, 2016.

f. June 10, 2016: Judge Kelly again reset the hearing for June 16, 2016.

g. June 16, 2016: **Nearly 6 weeks outside the 10-day window required by § 30-5-6(a)**, the hearing was held.

h. June 20, 2016: Defendant submitted a proposed order to Judge Kelly's proposed-order queue.

i. June 21, 2016: **Nearly 2 months after service**, Judge Kelly entered a protection order against the defendant.

156. Struggs v. Harris, DR-2016-179

a. Apr. 4, 2016: Petitioner filed a PFA petition against her ex-husband for threats and stalking. Judge Kelly entered an ex-parte temporary PFA order.

b. Apr. 5, 2016: Service on the defendant was perfected.

c. May 5, 2016: **Although required to hold a hearing by Apr. 15, 2016**, per § 30-5-6(a), Judge Kelly filed an order setting the hearing for May 26, 2016.

d. May 6, 2016: Judge Kelly reset the hearing for June 16, 2016.

e. June 14, 2016: Petitioner filed a motion to dismiss. **More than 2 months after service**, Judge Kelly entered an order dismissing the petition the same day.

157. Carr v. Selvaggio, DR-2016-900533

a. June 28, 2016: Legal guardian for the plaintiff filed a PFA petition, alleging the defendant was financially defrauding the plaintiff. Judge Kelly entered an ex-parte temporary PFA order.

b. Aug. 10, 2016: Service on the defendant was perfected.

c. Aug. 16, 2016: The defendant filed an answer

d. Aug. 25, 2016: **Although required to hold a hearing by Aug. 20, 2016**, per § 30-5-6(a), Judge Kelly set the hearing for Sept. 15, 2016.

e. Aug. 31, 2016: The petitioner filed a motion to continue.

f. Sept. 7, 2016: The defendant filed a more detailed answer/denial.

g. Sept. 13, 2016: Judge Kelly granted the plaintiff's motion to continue, resetting the hearing for Oct. 6, 2016.

h. Oct. 6, 2016: **Nearly 2 months after service**, the hearing was held.

i. Oct. 7, 2016: Judge Kelly entered an order denying the PFA petition and vacating the ex-parte order.

158. Monnier v. McKinney, DR-2012-536

a. July 11, 2012: The petitioner filed a PFA petition, alleging her boyfriend verbally threatened and physically abused her.

b. July 12, 2012: Judge Kelly entered an ex-parte temporary PFA order.

c. Aug. 6, 2012: Service on the defendant was returned.

d. Sep. 19, 2012: **Although required to hold a hearing by Aug. 16, 2012**, per § 30-5-6(a), Judge Kelly

issued an order setting a hearing for Nov. 1, 2012.

e. Nov. 1, 2012: **Nearly three months after expiration of the statutory period to hold the hearing**, the final hearing was held.

f. Jan. 31, 2013: Judge Kelly submitted a 6-month report to AOC, claiming this case was taken under submission 6 months earlier on July 10, 2012. However, it appears the case was actually taken under submission nearly 3 months earlier, on Nov. 1, 2012.

g. July 30, 2013: Judge Kelly submitted a 6-month report to AOC, but did not include this matter, though it had been under submission for nearly 9 months.

h. Oct. 9, 2013: Judge Kelly entered a final order, dismissing the petition and vacating the ex-parte temporary PFA order. Judge Kelly noted that, by agreement of the parties, a joint restraining order was "orally entered by the Court" and was to be binding on the parties until July 12, 2013. The order states the plaintiff's counsel was supposed to submit a P.O. within 7 days of the hearing, but failed to do so.

159. Mays v. Simmons, DR-2014-901050

a. Nov. 19, 2014: The petitioner filed a PFA petition, alleging the defendant verbally threatened and physically abused her. That same day, Judge Kelly entered an ex-parte temporary PFA order.

b. Nov. 26, 2014: Service on the defendant was returned.

c. Dec. 11, 2014: A hearing was held in which the petitioner failed to appear. That same day, the petitioner filed a motion to reset the final hearing.

d. Dec. 16, 2014: Judge Kelly entered an order setting the final hearing for Jan. 8, 2015.

e. Jan. 9, 2015: Judge Kelly entered an order resetting the final hearing for Jan. 15, 2015, to be heard with 3 other matters pending between the parties.

f. Jan. 15, 2015: A hearing was apparently held.

g. Mar. 17, 2015: Judge Kelly entered an order setting a final hearing for Apr. 9, 2015.

h. Apr. 9, 2015: According to the Feb. 26, 2016 final order, the trial was completed.

i. Jan. 15, 2016: Judge Kelly submitted a 6-month report to AOC, claiming this case was taken under advisement on Dec. 11, 2014.

j. Feb. 26, 2016: **Nearly 11 months after the trial, and nearly 6 weeks after submitting the 6-month report to AOC**, Judge Kelly entered an order denying the PFA petition, vacating the ex-parte temporary PFA order, and entering a mutual restraining order against both parties.

IV. Failure to Timely Rule on Various Motions and Referee Recommendations

160. Judge Kelly exhibits a pattern and practice of delay throughout her practice, including in what is typically straightforward motion practice. Such examples include:

161. Johnson v. Johnson, DR-2012-64.01: Petition to Show Cause/Affidavit of Substantial Hardship

   a. July 9, 2015: The mother filed a petition to show cause, alleging the father was not paying child support. That same day, she filed an affidavit of substantial hardship.

   b. Mar. 17, 2017: The case sat idle until, **more than 20 months later**, Judge Kelly entered an order denying the mother's affidavit of substantial hardship.

   c. Mar. 29, 2017: The letter issued to the mother informing her that the affidavit had been denied and that her case would not proceed without a filing fee was returned undeliverable.

162. McGehee v. McGehee, DR-2010-497.01: Petition for Contempt/Failure to Ratify Referee Recommendation

   a. Nov. 7, 2014: The mother filed a contempt petition for non-payment of child support ($19,018 in arrears).

   b. Mar. 24, 2015: Service on the father was returned.

   c. Apr. 23, 2015: The referee recommended finding the father in contempt and issuing an IWO for $610 for May, June, and July.

   d. Jan. 18, 2016: **Nearly 9 months later**, Judge Kelly ratified the referee's findings and recommendations and issued the IWO.

163. McGehee v. McGehee, DR-2010-497.02: Petition to Modify/Affidavit of Substantial Hardship

a. June 26, 2015: The mother filed a petition to modify child support and an affidavit of substantial hardship.

b. Dec. 8, 2016: There was no case activity until **17 months later**, when Judge Kelly granted the affidavit of substantial hardship.

c. Dec. 9, 2016: Summons issued.

d. Dec. 15, 2016: Service on the father was returned.

e. Feb. 9, 2017: Referee filed findings and recommendations, decreasing the father's monthly payment and issuing an IWO to different business.

f. Apr. 11, 2017: **Almost 21 months after filing and 2 months after the referee's findings and recommendations**, Judge Kelly affirmed the referee's findings and recommendations.

164. In the Matter of D.A., JU-2011-883.05

a. Mar. 2, 2016: DHR filed a motion to recuse or, in the alternative, a motion to disqualify, alleging Judge Kelly engaged in ex-parte communications with a "crucial witness" in the matter.

b. June 10, 2016: A hearing on the motion to recuse was held.

c. July 29, 2016: More than 6 weeks later, the mother filed "**Motion to Enter Order or in the Alternative Appoint a New Counselor**," noting that Judge Kelly had yet to enter an order, that the mother and child could "have not been accessed regarding reunification of the family," that reunification could not be accomplished without a counselor in place, and that it was in the child's best interest to begin the reunification process as soon as possible.

d. Aug. 9, 2016: **More than 5 months after the motion was filed**, Judge Kelly entered an order denying DHR's motion to recuse.

165. In the Matter of M.W., JU-16-28.01: Dependency

a. Jan. 11, 2016: Referee issued an order finding that prior to the hearing a party objected to the referee and ordering the matter to be reset.

b. Jan. 12, 2016: The matter was assigned to Judge Kelly.

c. May 25, 2016: **More than 5 months later**, Judge Kelly ratified the referee's findings and recommendations. On the date line, Judge Kelly wrote "*Received and issued on this date." Dependency hearing was held.

d. June 24, 2016: **Nearly 1 month later**, Judge Kelly issued an order finding the child dependent.

166. In the Matter of D.L., JU-04-1182.02: Delinquency

a. June 11, 2014: Initial appearance in front of referee. Child denied charge. Trial set for Aug. 13, 2014.

b. July 30, 2014: **More than 6 weeks later**, Judge Kelly ratified the referee's recommendations.

V. Notice to Judge Kelly

167. From as early as 2012, Judge Kelly has received notice of her delay problems and recommendations for improvement from numerous sources. From the Casey Foundation's training and assistance in juvenile delinquency and dependency case management, the NCJFCJ's

multiple site visits and reports from 2014 through 2016, the Court of Civil Appeals' opinions specifically noting its concerns with her delays, and the Commission's investigation, Judge Kelly has had every opportunity to correct her deficiencies.

A. Casey Foundation

168. The Annie E. Casey Foundation is a grant-making and teaching resource for juvenile courts across the country. It provides training, resources, and grants to assist courts in handling dependency and delinquency matters. Montgomery County (along with Jefferson, Tuscaloosa, and Mobile) was chosen as a test site for assistance.

169. Training related to this initiative was available to Judge Kelly in 2013.[20] In her testimony to the Commission, Judge Kelly stated she first recognized "problems" in the dependency court as early as 2013.[21] Judge Kelly admitted that, "for the first time, I think I had a clearer understanding of what our duties and our

[20] Judge Kelly Testimony, at 8: 3-6.

[21] Id.

obligations and our responsibilities were with regard to dependency cases."[22]

B. National Council for Juvenile and Family Court Judges Intervention

170. The National Council for Juvenile and Family Court Judges is a judicial-membership organization serving approximately 30,000 professionals in the juvenile and family justice system, including judges, referees, administrators, social and mental-health workers, police, and probation officers.[23]

171. Its program "Implementation Site Projects" was designed to assist judges in becoming statewide leaders in best practices, building strong collaborations, and maintaining continuity in their efforts to improve outcomes for children and families.[24] The program includes conducting key-stakeholder meetings, reviewing court records, and observing court hearings.[25] After each visit, the NCJFCJ

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[22] Id., at 8: 9-13.

[23] National Council of Juvenile and Family Court Judges, https://www.ncjfcj.org/about (last visited June 30, 2017).

[24] RENO Report, June 1, 2016, pg. 2 (Bates 52).

[25] National Council of Juvenile and Family Court Judges, Implementation Sites Project (2015), at 4, *available at*

submits a "Site Visit Report" with thorough summaries of site-visit activities, any identified deficiencies in the court's best practice and policies, recommendations to improve best practice and policies, progress towards recommendations and goals from any earlier site visits, short- and long-term goals, and steps the court plans to take towards reaching those goals.

172. The NCJFCJ selected Montgomery Family Court as an "Implementation Site" on July 1, 2014, under the leadership of then-Presiding Judge Kelly. In its application, the Montgomery Family Court specifically identified decreasing the number of TPR hearings as a desired outcome of the project.[26]

173. The Montgomery Family Court's initial site visit was conducted in January 2015. A significant number of the recommendations resulting from that visit were geared towards correcting excessive continuances ("Consider implementing a strict no-continuance policy."); poor docketing/scheduling ("Consider implementing Time Certain

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https://www.ncjfcj.org/sites/default/files/NCJFCJ_Implementation_Sites_Project_Final.pdf

[26] RENO Report, June 1, 2016, at 2 (Bates 52).

Calendaring . . . to prevent parties waiting unnecessarily . . . [and to] lessen the number of continuances. The court may also consider setting aside one day or afternoon per week in order to accommodate emergencies or hearings that could not be completed within their allotted time."); and untimely orders ("Also, consider scheduling time to write orders at the same time a hearing is scheduled. This will aid in producing orders in a timely period of 14 to 30 days").[27]

174. NCJFCJ conducted a second site visit on September 23 and 24, 2015.[28] During that visit, NCJFCJ staff conducted interviews with all three family-court judges, including then-Presiding Judge Kelly, and observed court proceedings in two of the judges' courtrooms. In its January 20, 2016 report, it found that although "it appear[s] as though continuances are being granted less frequently . . . they still seem to be a somewhat regular occurrence, reportedly due to an insufficient amount of time being scheduled for

[27] Id., at 3 (Bates 53).

[28] RENO Report, Jan. 20, 2016, at 2 (Bates 37).

most hearings, in particular, the more time consuming hearings such as TPRs."[29]

175. The NCJFCJ also learned that entire dockets were being cancelled "with some frequency."[30] Again, the NCJFCJ made recommendations targeted at improving the court's significant continuances and cancelled dockets:

> Time-certain calendaring and a strict no continuance policy is crucial to good case flow management. With a strong no continuance policy, few hearings should need to be rescheduled at the last minute . . . . During the rare occasions when a continuance is granted . . . the reason should be included in the court record, and the hearing should be reset as soon as possible.[31]

176. The report also stressed that "the judges must make timely litigation and decisions one of the highest of priorities."[32] In recommending that judges should strive to issue orders at the conclusion of hearings, the NCJFCJ wrote that "[i]t is understood that there are some cases in which it may be necessary to take information under advisement in order to complete additional legal research

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[29] Id., at 7 (Bates 42).

[30] Id.

[31] Id., at 8 (Bates 43).

[32] Id.

before issuing a decision (such as TPR matters); however, the final order should be issued within the next 14 days."[33]

177. After another visit in March 2016, the NCJFCJ issued a report dated June 1, 2016, echoing many of the earlier concerns with delays, continuances, and cancellations. Among the priorities identified by the court stakeholders and NCJFCJ were the "[c]ontinuances and canceled dockets [that] have been an on-going challenge."[34] As a short-term goal, the NCJFCJ recommended that the court "[i]mplement a strict no-continuance policy, and develop a 'back-up' plan to prevent the unnecessary cancellation of dockets."[35]

178. Then-Presiding Judge Kelly did not implement any of the NCJFCJ recommendations during her tenure as presiding judge. Instead, she refused to release the critical site-visit reports, releasing them to other stakeholders only after repeated requests and then

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[33] Id., at 9 (Bates 44).

[34] RENO Report, June 1, 2016, at 6 (Bates 56).

[35] Id., at 10 (Bates 60).

direction from Judge Eugene Reese, Presiding Judge of the 15th Judicial Circuit.

179. On March 14, 2016, after Judge Kelly's removal as the Family Court's presiding judge, Judge Reese entered an administrative order to "address the procedural shortcomings identified in the report and adopt the NCJFCJ recommendations."[36] The order, addressed to the Montgomery County Juvenile Court, read in part,

> Absent extraordinary circumstances the following shall apply to all Dependency Cases in Montgomery Juvenile Court.
>
> . . . .
>
> It shall be the policy that hearings shall be conducted on the date scheduled. Continuances of cases or dockets are prohibited. In the event of an emergency, the judge shall find a backup judge to oversee the docket. If no alternative exists, the case or docket shall be rescheduled or heard within 21 days and the reason for the continuance noted. The Clerk shall notify the Presiding Judge of said continuance.
>
> . . . .
>
> It is the policy that all written orders shall be completed and distributed on a timely basis, not exceeding 14 days.[37]

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[36] Admin. Order, March 14, 2016, signed by Judge Reese.

[37] Id., (emphasis added).

180. Despite the recommendations of the NCJFCJ and the administrative order, Judge Kelly continued to exhibit a pattern and practice of excessive continuances and delay in issuing orders.[38]

C. Alabama Court of Civil Appeals Decisions

181. On several occasions, the Alabama Court of Civil Appeals has specifically reprimanded Judge Kelly for her pattern and practice of unreasonable and unjustifiable delay in setting hearings, completing hearings, and issuing orders. The cases underlying the Court of Civil Appeals' opinions were examined in detail above, see paras. 34, 40, but the following quotes warrant reconsideration:

> If rehabilitation efforts lead the juvenile court to return the child to the mother or the father, the child will undoubtedly experience the traumatic loss of another family no matter how delicately the case proceeds. At the very least, the juvenile court could have lessened that potential problem by acting promptly on the [TPR] petition as required by law. The juvenile court . . . should consider its own culpability in unlawfully prolonging this matter to the detriment of the child. T.S., 2016 WL 4585596, at *18 (Moore, J., concurring).
>
> [W]e would be remiss if we did not also note that the juvenile judge has, in the past, engaged in a pattern and practice of failing to comply with statutory requirements only to take steps to comply *after* DHR has filed a petition for the writ of mandamus with this

[38] See case summaries, supra.

> court. In no less than five cases in the last year, DHR has sought this court's intervention to direct the juvenile judge to comply with the time requirements set out in Ala. Code 1975 § 12-15-320(a) . . . Deliberate or not, the juvenile judge's continued neglect of her duty to comply with the statutorily prescribed time requirements and to enter proper and compliant judgments unless and until threatened with the supervisory action of this court causes members of this court great concern. A.S.N., 215 So. 3d at 583 (emphasis included).
>
> [After reversing and remanding Judge Kelly's denials of TPR petitions] In light of the length of time this matter has been pending in the juvenile court, we further instruct the juvenile court to enter the judgment in each case in an expeditious manner.[39] A.S.N., 206 So. 3d at 675.

D. The Judicial Inquiry Commission's Investigation

182. The Commission notified Judge Kelly of the allegations under investigation based on delay arising from a single case on May 9, 2016. On September 12, 2016 , Judge Kelly was notified of the extension of the investigation to pattern and practice of delays in hearings and rulings and of failure to rule. In her response to the allegations of the May 9, 2016 letter, Judge Kelly "pledge[d her] full support and cooperation." This pledge was reiterated in a January 5, 2017 letter from her attorney.

[39] As discussed in detail supra, Judge Kelly did not expeditiously enter the judgment in each case.

183. The Commission, as part of its normal practice, offered Judge Kelly the opportunity to appear before the Commission to discuss the allegations. Judge Kelly's appearance was first scheduled, on Dec. 13, 2016, for January 27, 2017; then on January 10, 2017, pursuant to Judge Kelly's January 5, 2017 request, her appearance was postponed until March 3, 2017; then, pursuant to Judge Kelly's request on March 1, 2017, the Commission postponed her appearance that same date to April 13, 2017; then, pursuant to repeated assurances that Judge Kelly wanted to file and intended to file a written response to the allegations, and "[i]n the Commission's mutual interest in having the opportunity to consider all the facts and circumstances surrounding the allegations under investigation," but having not received Judge Kelly's response as of April 7, 2017, the Commission postponed Judge Kelly's appearance to May 18, 2017. Judge Kelly filed her written response to the allegations[40] and appeared before the Commission on that date.

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[40] Although the Commission cannot require a judge to file a response, the Commission requested a response by February 21, 2017; after assurances a response would be filed by February 24 and 27, 2017, with no response filed, the

E. Canon 3A(5) Six-Month Reports

184. Judge Kelly's pattern and practice of delay also involves her failure to comply with Canon 3A(5), which requires judges to file reports on cases and matters under submission for more than six months.

185. Canon 3A(5) of the Alabama Canons of Judicial Ethics reads:

> A judge should dispose promptly of the business of the court, being ever mindful of matters taken under submission. On the first day of January and the first day of July of each year, each judge shall file a report which shall show the cases and/or matters which have been under submission or advisement for a period of six months or longer . . . Where a matter or case has been under submission or advisement for six months or longer, the report shall give the date that the matter or case was taken under submission or advisement and the reasons for the failure of the judge to decide such matters or cases.

186. "Cases and/or matters" include any matter, at any stage of a case, that is submitted to the judge for decision or ruling. JIC Advisory Opinion 08-897. Such decision or ruling includes the grant or denial of a routine pretrial, post-trial, or post-sentence motion or

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Commission requested that the intended response be submitted by March 15, 2017; and when nothing was received by that date, the Commission extended the date to April 26, 2017.

petition not denied by operation of law; a non-jury verdict or decision; the entry of an order or judgment; imposition of a sentence; and the filing of a written opinion or order. Id.

187. These semi-annual reports ("six-month reports"), due on January 1st and July 1st of each year, give each submitting judge notice of matters pending disposition and should result in such pending matters being timely resolved. However, in Judge Kelly's case, her six-month reports reveal a pattern and practice of delay in deciding motions and adjudicating cases that she has not addressed. The following table represents a sampling of the breadth of incomplete and/or untimely reports Judge Kelly has filed from 2012 to the present[41]:

[41] For the sake of brevity, the table primarily only includes cases that had final orders pending for 6 months or more. However, many of the cases in this Complaint could be included in this table, and should have been included in Judge Kelly's 6-month reports, for having pre- and post-trial motions pending for 6 months or more, such as affidavits of substantial hardships, motions to withdraw, etc.

Jan. 1, 2012 Report – Filed Mar. 9, 2012 **Cases Included**			
Case Number	Date Taken Under Submission/Advisement	Reason Given for Delay	Date Disposed
DR-2002-1180.05	Nov. 3, 2009 / Mar. 4, 2010	Final Order Pending	July 10, 2013[42]

Jan. 1, 2012 Report – Filed Mar. 9, 2012 **Cases Improperly Excluded**		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
DR-2008-900046.01	May 24, 2011	Feb. 9, 2012 (1 month before report filed)
DR-2004-994.05	May 17, 2011	Jan. 6, 2012 (2 months before report filed)
DR-2005-502.01	July 18, 2011	Jan. 28, 2013

July 1, 2012 Report – Filed Aug. 2, 2012 **Cases Included**			
Case Number	Date Taken Under Submission/Advisement	Reason Given for Delay	Date Disposed
DR-2002-1180.05[43]	Nov. 13, 2009	Working on Order	July 10, 2013[44]
DR-11-900012	Jan. 21, 2011[45]	Working on Order	Aug. 7, 2012

[42] Filed on this date. Final order dated May 14, 2010.

[43] Also contained Jan. 1, 2012 report.

[44] Filed on this date. Final order dated May 14, 2010.

[45] Date this case was filed. It was actually taken under submission on Oct. 25, 2011.

July 1, 2012 Report – Filed Aug. 2, 2012 **Cases Improperly Excluded**		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
DR-1979-18.04	Nov. 8, 2011	Aug. 30, 2013
DR-1995-1115.02	Sept. 9, 2011	July 26, 2013
DR-2005-502.01	July 18, 2011	Jan. 28, 2013

Jan. 1, 2013 Report – Filed Jan. 31, 2013 **Cases Included**			
Case Number	Date Taken Under Submission/Advisement	Reason Given for Delay	Date Disposed
DR-12-519	June 28, 2012[46]	Pending Proposed Order from Counsel	Aug. 5, 2013
DR-12-536	July 10, 2012[47]	Pending Proposed Order from Counsel	Oct. 9, 2013

Jan. 1, 2013 Report – Filed Jan. 31, 2013 **Cases Improperly Excluded**		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
DR-1979-18.04	Nov. 8, 2011	Aug. 30, 2013
DR-1995-1115.02	Sept. 9, 2011	July 26, 2013
DR-2011-1382	May 10, 2012	July 24, 2013
DR-2002-1180.05	Mar. 4, 2010	July 10, 2013

[46] Date this case was filed.

[47] Date this case was filed.

DR-2005-502.01	July 18, 2011	Jan. 28, 2013

July 1, 2013 Report – Filed July 30, 2013 **Cases Included**		
Judge Kelly certified she had no cases and/or matters under submission or advisement for a period of six months or more during the reporting period (Jan. 1, 2013 through June 30, 2013).		
July 1, 2013 Report – Filed July 30, 2013 **Cases Improperly Excluded**		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
DR-12-536	July 10, 2012[48]	Oct. 9, 2013
DR-2011-385.01	Nov. 20, 2012	Dec. 22, 2016
DR-2011-1382	May 10, 2012	July 24, 2013
DR-1979-18.04	Nov. 8, 2011	Aug. 30, 2013
DR-1995-1115.02	Sept. 9, 2011	July 26, 2013

Jan. 1, 2014 Report – Filed Feb. 3, 2014 **Cases Included**		
Judge Kelly certified she had no cases and/or matters under submission or advisement for a period of six months or more during the reporting period (July 2013 through Dec. 31, 2013).		
Jan. 1, 2014 Report – Filed Feb. 3, 2014 **Cases Improperly Excluded**		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
DR-2008-1162.04	June 10, 2013	June 4, 2015

[48] Date this case was filed.

DR-2011-385.01	Nov. 20, 2012	Dec. 22, 2016
DR-2012-436	Mar. 7, 2013	July 16, 2014
JU-2008-93.04	June 5, 2013	Apr. 28, 2016

July 1, 2014 Report – Filed Sept. 8, 2014 Cases Included			
Case Number	Date Taken Under Submission/Advisement	Reason Given for Delay	Date Disposed
DR-2011-385.01	Nov. 20, 2013[49]	…will be concluded within 14 days from the date of this report	Dec. 22, 2016
DR-2003-1137.01	Nov. 1, 2013	…will be concluded within 14 days from the date of this report	July 30, 2015

July 1, 2014 Report – Filed Sept. 8, 2014 Cases Improperly Excluded		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
DR-2008-1162.04	June 10, 2013	June 4, 2015
DR-2013-180	Aug. 22, 2013	Feb. 23, 2016
DR-1998-125.03	Oct. 7, 2013	July 15, 2016

[49] The matter was actually taken under submission on Nov. 20, 2012, a year earlier than the stated date.

DR-2010-900253.02	Jan. 13, 2014[50]	Still active
JU-2008-93.04	June 5, 2013	Apr. 28, 2016
JU-2010-650.04	Oct. 30, 2013	Oct. 2, 2014
DR-2012-669.01	Aug. 8, 2013	July 16, 2014
DR-2012-436	Mar. 7, 2013	July 16, 2014
DR-2012-64	Dec. 18, 2013	July 14, 2014

Jan. 1, 2015 Report – Filed Jan. 8, 2015 **Cases Included**			
Case Number	Date Taken Under Submission/Advisement	Reason Given for Delay	Date Disposed
DR-2011-385.01	Nov. 20, 2012	Final Order in Process	Dec. 22, 2016
DR-2008-1162.04	June 10, 2013	Final Order in Process	June 4, 2015
DR-2013-180	Aug. 22, 2013	Final Order in Process	Feb. 23, 2016
DR-1998-125.02[51]	Oct. 7, 2013	Final Order in Process	July 15, 2016
DR-2010-900253.02	Jan. 13, 2014	Final Order in Process	Still Active
DR-2013-154	Mar. 3, 2014	Final Order in Process	Feb. 10, 2015
DR-2014-900085	Apr. 15, 2014	Final Order in Process	Sept. 2, 2016

[50] According to Judge Kelly's Jan. 8, 2015 six-month report.
[51] Mislabeled on report. Should have been labelled .03.

Jan. 1, 2015 Report – Filed Jan. 8, 2015 **Cases Improperly Excluded**		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
JU-2008-93.04	June 5, 2013	Apr. 28, 2016
DR-2003-1137.01	Nov. 1, 2013	July 30, 2015
DR-2012-900059.01/.02	Mar. 17, 2014	Feb. 25, 2016/ Aug. 2 2016

July 1, 2015 Report – Filed Aug. 4, 2015 **Cases Included**			
Case Number	Date Taken Under Submission/Advisement	Reason Given for Delay	Date Disposed
DR-2004-317.05	Dec. 22, 2014	"Final Order Completed 7/28/2015"	July 28, 2015
DR-2013-901098	Nov. 4, 2014	"Final Order Completed 7/30/2015"	July 30, 2015
DR-2003-1137.01	Nov. 1, 2013	"Final Order Completed 7/30/2015"	July 30, 2015

July 1, 2015 Report – Filed Aug. 4, 2015 **Cases Improperly Excluded**		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
JU-2008-93.04	June 5, 2013	Apr. 28, 2016
DR-2011-385.01	Nov. 20, 2012	Dec. 22, 2016
DR-2013-180	Aug. 22, 2013	Feb. 23, 2016
DR-1998-125.03	Oct. 7, 2013	July 15, 2016
DR-2014-900085	Apr. 15, 2014	Sept. 2, 2016

DR-2011-1369.01	Nov. 6, 2014	Feb. 25, 2016
CS-2014-25	Sept. 11, 2014	Feb. 25, 2016

Jan. 1, 2016 Report – Filed Jan. 15, 2016

Cases Included

	Case Number	Style of Case	Date Taken Under Submission	Date Disposed
1	DR 1998-000035.03	CONTEMPT/RULE NISI (C/S)	4/30/2015	1.May 18, 2015
2	DR 1999-000540.02	PETITION TO MODIFY (C/S)	6/23/2015	2.June 24, 2016
3	DR 2001-000106.01	PETITION TO MODIFY (C/S)	10/27/2014	3.Apr. 13, 2017
4	DR 2002-001079.0	PETITION TO MODIFY (C/S)	3/26/2015	4.Feb. 26, 2016
5	DR 2003-000289.01	CONTEMPT/RULE NISI (C/S)	5/18/2015	5.Mar. 1, 2016
6	DR 2007-000284.03	CONTEMPT/RULE NISI (C/S)	4/30/2015	6.June 10, 2015
7	DR 2008-000870.02	PETITION TO MODIFY (C/S)	5/14/2015	7.Feb. 29, 2016
8	DR 2010-000067.03	CONTEMPT/RULE NISI (C/S)	4/15/2015	8.Jan. 18, 2016
9	DR 2011-000385.01	CONTEMPT/RULE NISI (C/S)	11/20/2012	9.Dec. 22, 2016
10	DR 2011-000566.01	PETITION TO MODIFY (C/S)	10/1/2014	10.Jan. 17, 2017
11	DR 2011-000943.03	CONTEMPT/RULE NISI (C/S)	6/9/2015	11.Feb. 26, 2016
12	DR 2011-001369.01	PETITION TO MODIFY (C/S)	11/6/2014	12.Feb. 25, 2016
13	DR 2012-000215.02	PETITION TO MODIFY (C/S)	4/6/2015	13.Aug. 2, 2015
14	DR 2012-900059.01/.02	PETITION TO MODIFY (C/S)	3/17/2014	14.Feb. 25, 2016
15	DR 2013-900236	CONTESTED DIVORCE	4/13/2015	15.Apr. 27, 2017
16	DR 2013-900302.01	PETITION TO MODIFY	4/9/2015	16.Feb. 26, 2016
17	DR 2013-900693	PROTECTION FROM ABUSE	9/17/2013	17.July 15, 2016
18	DR 2014-000078	PETITION FOR CUSTODY	4/16/02015	18.Still Active
19	DR 2014-000129	PETITION FOR CUSTODY	4/16/2015	19.Jan. 19, 2016
20	DR 2014-000176	PETITION FOR CUSTODY	3/31/2015	20.Aug. 15, 2016
21	DR 2014-000181	PETITION FOR CUSTODY	5/28/2015	21.Aug. 3, 2016
22	DR 2014-000245	PETITION FOR CUSTODY	5/28/2015	22.Feb. 9, 2016
23	DR 2014-000529.01	CONTEMPT/RULE NISI (C/S)	4/2/2015	23.Feb. 22, 2016
24	DR 2014-900085	PROTECTION FROM ABUSE	4/15/2014	24.Sept. 2, 2016
25	DR 2014-900573	PETITION FOR CUSTODY	6/11/2015	25.Apr. 4, 2016
26	DR 2014-901050	PROTECTION FROM ABUSE	12/11/2014	26.Feb. 26, 2016
27	CS 1995-000733.02	PETITION TO MODIFY	1/15/2015	27.Mar. 27, 2015
28	CS 2002-000406.02	CONTEMPT/RULE NISI (C/S)	3/12/2015	28.Feb. 29, 2016
29	CS 2006-000040.05	CONTEMPT/RULE NISI (C/S)	4/9/2015	29.Feb. 29, 2016
30	CS 2011-000265.01	PETITION TO MODIFY	9/5/2013	30.Aug. 5, 2016
31	CS 2014-000025	CHILD SUPPORT	9/11/2014	31.Feb. 25, 2016
32	CS 2014-000032	CHILD SUPPORT	12/10/2014	32.Oct. 3, 2016
33	CS 2014-900425	PETITION FOR CUSTODY	10/23/2014	33.Mar. 25, 2016

Jan. 1, 2016 Report – Filed Jan. 15, 2016 **Cases Improperly Excluded**		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
JU-2008-93.04	June 5, 2013	Apr. 28, 2016
DR-2013-180	Aug. 22, 2013	Feb. 23, 2016
DR-1998-125.03	Oct. 7, 2013	July 15, 2016
DR-2004-994.06	Mar. 12, 2015	Jan. 18, 2016
DR-1998-868.01	May 11, 2015	June 24, 2016
DR-2009-862.03	May 11, 2015	Aug. 2, 2016
DR-2015-900393	May 11, 2015	June 13, 2016

July 1, 2016 Report – Filed July 15, 2016 **Cases Included**			
Case Number	Date Taken Under Submission/Advisement	Reason Given for Delay	Date Disposed
DR-2009-862.03	May 11, 2015	No specific reason given.[52]	Aug. 2, 2016
DR-2010-900253.02	Mar. 31, 2015	No specific	Still Active

[52] No specific reason for delay was given for each case, but a bullet-point at the end of the submission stated,

> These cases have been under advisement for various reasons to include delayed receipt of an agreement from counsel, inability to obtain transcript from hearing from substitute reporter and additional time needed to prepare orders based on demands/schedule of judge and court reporter.

		reason given.	
DR-2011-385.01	Nov. 20, 2012	No specific reason given.	Dec. 22, 2016
DR-2012-900059.02	Mar. 17, 2014	No specific reason given.	Aug. 2, 2016
DR-2012-215.02	Apr. 9, 2015	No specific reason given.	Aug. 2, 2015
DR-2013-900236	Apr. 13, 2015	No specific reason given.	Apr. 27, 2017
DR-2014-78	Apr. 13, 2015	No specific reason given.	Still Active
DR-2014-900085	Apr. 15, 2014	No specific reason given.	Sept. 2, 2016

July 1, 2016 Report – Filed July 15, 2016
Cases Improperly Excluded

Case Number	Date Taken Under Submission/Advisement	Date Disposed
DR-1998-125.03	Oct. 7, 2013	July 15, 2016
DR-1998-868.01	May 11, 2015	June 24, 2016
DR-1998-540.02	June 23, 2015	June 24, 2016
DR-2012-900732.01	Dec. 4, 2015	June 24, 2016
CS-2015-900164	Nov. 10, 2015	Dec. 29, 2016
DR-2015-900393	May 11, 2015	June 13, 2016

Jan. 1, 2017 Report – Filed Jan. 31, 2017 **Cases Included**			
Case Number	Date Taken Under Submission/Advisement	Reason Given for Delay	Date Disposed
DR-2013-900269	June 13, 2016	No specific reason given.[53]	Mar. 22, 2017
DR-2014-475	Aug. 29, 2016	No specific reason given.	Still Active

Jan. 1, 2017 Report – Filed Jan. 31, 2017 **Cases Improperly Excluded**		
Case Number	Date Taken Under Submission/Advisement	Date Disposed
DR-2014-78	Apr. 13, 2015	Still Active
DR-2016-26	Mar. 9 ,2016	Feb. 27, 2017
CS-2015-900164	Nov. 10, 2015	Dec. 29, 2016
DR-2013-900236	Apr. 13, 2015	Apr. 27, 2017
DR-1994-1078.02	Mar. 29, 2016	Nov. 22, 2016
DR-2013-901163.01	June 23, 2016	Mar. 31, 2017

188. As shown in the above table, Judge Kelly submitted multiple reports with the same cases and/or matters,

[53] No specific reason for delay was given for each case, but a bullet-point at the end of the submission stated,

> These cases have been under advisement for various reasons to include delayed receipt of an agreement or proposed orders from counsel and additional time needed to prepare orders based on unresolved questions as to jurisdiction.

meaning Judge Kelly refused or failed to rule on cases despite notice of the delay; multiple reports that failed to include cases and/or matters that should have been included, like a 10-1/2-month-delayed permanency order in In the matter of K.W., JU-2008-93.01/.04, and motions pending for ten months in Tate v. Tate, DR-2016-180, both examined in detail supra; reports with general excuses as to why so many cases had been pending for at least six months waiting for adjudication; and reports filed months after their clearly specified due dates, January 1 and July 1 of each year. For instance, Judge Kelly's 2014 reports, due January 1 and July 1, 2014, were filed respectfully on January 31 and September 5.

189. Judge Kelly's failure or refusal to timely and consistently submit accurate 6-month reports to AOC subverts the very purpose of the Canon 3A(5) reporting requirement. It is imperative that those responsible for administering the judicial system be apprised of the status of each judge's caseload so that, if necessary, remedial measures may be implemented to promptly address the specific challenges of a judge's particular caseload. JIC Advisory Opinion 08-897. Whether through intentional

misrepresentation or negligence, Judge Kelly displayed a pattern and practice of failing to accurately apprise AOC of the status of her caseload.

CHARGES

Charge 1

Delay in Issuing TPR Orders

Ala. Code § 12-15-320(b) and Ala. R. Juv. P., 25(D)

By engaging in a pattern and practice of failing or refusing to timely enter orders within 30 days of completing trials on petitions for termination of parental rights, in violation of Ala. Code § 12-15-320(b) and Ala. R. Juv. P., Rule 25(D), as set out in the above-stated facts, Judge Kelly violated the following provisions of the Alabama Canons of Judicial Ethics:

Canon 1: A judge should uphold the integrity and independence of the judiciary.

A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved.

Canon 2: A judge should avoid impropriety and the appearance of impropriety in all her activities.

Canon 2A: A judge should respect and comply with the law and should conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2B: A judge should at all times avoid conduct prejudicial to the administration of

justice which brings the judicial office into disrepute.

Canon 3: A judge should perform the duties of her office impartially and diligently.

Canon 3A(1): A judge should be faithful to the law and maintain professional competence in it.

Canon 3A(5): A judge should dispose promptly of the business of the court, being ever mindful of matters taken under submission.[54]

Canon 3B(1): A judge should diligently discharge her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

Canon 3B(2): A judge should require her staff and court officials subject to her direction and control to observe the standards of fidelity and diligence that apply to her.

Charge 2

Delay in Completing TPR Trials

Ala. Code § 12-15-320(a)

By engaging in a pattern and practice of failing or refusing to complete the trial on a petition for

[54] **Commentary:** "Prompt disposition of the court's business requires a judge to devote adequate time to [her] duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants, and their lawyers cooperate with [her] to that end."

termination of parental rights within 90 days of perfecting service, in violation of Ala. Code § 12-15-320(a), as set out in the above-stated facts, Judge Kelly violated the following provisions of the Alabama Canons of Judicial Ethics:

Canon 1:	A judge should uphold the integrity and independence of the judiciary. A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved.
Canon 2:	A judge should avoid impropriety and the appearance of impropriety in all her activities.
Canon 2A:	A judge should respect and comply with the law and should conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
Canon 2B:	A judge should at all times avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.
Canon 3:	A judge should perform the duties of her office impartially and diligently.
Canon 3A(1):	A judge should be faithful to the law and maintain professional competence in it.

Canon 3A(5): A judge should dispose promptly of the business of the court, being ever mindful of matters taken under submission.[55]

Canon 3B(1): A judge should diligently discharge her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

Canon 3B(2): A judge should require her staff and court officials subject to her direction and control to observe the standards of fidelity and diligence that apply to her.

Charge 3

Failure to Manage Dockets

By engaging in a pattern and practice of failing or refusing to manage court dockets to decide pending matters in a timely manner—failing or refusing to allocate sufficient time on her dockets to hear pending matters in one setting, regularly continuing dockets, unreasonable delays in setting timely hearings, unreasonable delays in resetting continued trial settings—preventing the timely

[55] **Commentary:** "Prompt disposition of the court's business requires a judge to devote adequate time to her duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants, and their lawyers cooperate with her to that end."

resolution of disputes that profoundly affected the lives of those, in particular children, whose interests were before her court, Judge Kelly violated the following provisions of the Alabama Canons of Judicial Ethics:

Canon 1: A judge should uphold the integrity and independence of the judiciary.

A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved.

Canon 2: A judge should avoid impropriety and the appearance of impropriety in all her activities.

Canon 2A: A judge should respect and comply with the law and should conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2B: A judge should at all times avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.

Canon 3: A judge should perform the duties of her office impartially and diligently.

Canon 3A(1): A judge should be faithful to the law and maintain professional competence in it.

Canon 3A(5): A judge should dispose promptly of the business of the court, being ever mindful of matters taken under submission.[56]

Canon 3B(1): A judge should diligently discharge her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

Canon 3B(2): A judge should require her staff and court officials subject to her direction and control to observe the standards of fidelity and diligence that apply to her.

Charge 4

Delay in Final Divorce Decrees and Modifications

By engaging in a pattern and practice of unreasonable and unjustifiable delay or failure to rule on completed applications for uncontested-divorce complaints and requests for modification of divorce decrees, many of which included agreed-upon proposed orders, thereby preventing the timely resolution of disputes that profoundly affected

[56] **Commentary:** "Prompt disposition of the court's business requires a judge to devote adequate time to her duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants, and their lawyers cooperate with her to that end."

the lives of those, in particular children, whose interests were before her court, Judge Kelly violated the following provisions of the Alabama Canons of Judicial Ethics:

Canon 1:	A judge should uphold the integrity and independence of the judiciary. A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved.
Canon 2:	A judge should avoid impropriety and the appearance of impropriety in all her activities.
Canon 2A:	A judge should conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
Canon 2B:	A judge should at all times avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.
Canon 3:	A judge should perform the duties of her office impartially and diligently.
Canon 3A(5):	A judge should dispose promptly of the business of the court, being ever mindful of matters taken under submission.[57]

[57] **Commentary:** "Prompt disposition of the court's business requires a judge to devote adequate time to her duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants, and their lawyers cooperate with her to that end."

Canon 3B(1): A judge should diligently discharge her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

Canon 3B(2): A judge should require her staff and court officials subject to her direction and control to observe the standards of fidelity and diligence that apply to her.

Charge 5

Comprehensive Delay, Including but not Limited to, Matters Charged in Charges 1-4

By failing to take care of the business of the court in a timely, prompt, and efficient manner, as set out in the above-stated facts—including but not limited to TPR petitions, dependency cases, delinquency cases, child-support matters, PFA petitions, uncontested divorce cases, modifications of divorce decrees, and such simple matters as affidavits of substantial hardship, simple motions, party agreements, and considerations of referee recommendations—thereby preventing the timely resolution of disputes that profoundly affected the lives of those, in particular children, whose interests were before her court, Judge Kelly violated the following provisions of the Alabama Canons of Judicial Ethics:

Canon 1: A judge should uphold the integrity and independence of the judiciary.

A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved.

Canon 2: A judge should avoid impropriety and the appearance of impropriety in all her activities.

Canon 2A: A judge should respect and comply with the law and should conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2B: A judge should at all times avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.

Canon 3: A judge should perform the duties of her office impartially and diligently.

Canon 3A(1): A judge should be faithful to the law and maintain professional competence in it.

Canon 3A(5): A judge should dispose promptly of the business of the court, being ever mindful of matters taken under submission.[58]

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[58] **Commentary:** "Prompt disposition of the court's business requires a judge to devote adequate time to her duties, to be punctual in attending court and expeditious in determining matters under submission, and to insist that court officials, litigants, and their lawyers cooperate with her to that end."

Canon: 3B(1): A judge should diligently discharge her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

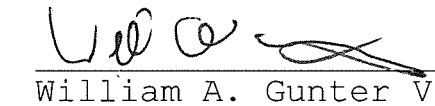
Canon 3B(2): A judge should require her staff and court officials subject to her direction and control to observe the standards of fidelity and diligence that apply to her.

Done this 6th day of December, 2017.

BY ORDER OF THE COMMISSION

THE JUDICIAL INQUIRY COMMISSION

Billy C. Bedsole, Chairman



William A. Gunter V
Attorney for the Commission