



IN THE ALABAMA COURT OF THE JUDICIARY

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

JUDGE ANITA KELLY’S RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW, OR ALTERNATIVELY, MOTION FOR NEW TRIAL

Pursuant to Rule 10, Rules of Procedure for the Alabama Court of the Judiciary, and Rules 50 and 59 of the Alabama Rules of Civil Procedure, Judge Anita Kelly respectfully renews her motion for judgment as a matter of law as to all charges on each charge on which she was found guilty in the Court’s final judgment entered May 11, 2018. In the alternative, Judge Kelly moves for a new trial as each charge on which she was found guilty. As grounds, Judge Kelly states the following:

Renewed Motion for Judgment as a Matter of Law

1. Judge Kelly re-asserts and incorporates by reference each and every ground on which she moved for judgment as a matter of law at the close of the case-in-chief of the Judicial Inquiry Commission, and on which she moved for judgment as a matter of law at the close of all evidence in this matter.

Motion for New Trial

1. Judge Kelly alternatively moves for a new trial on each and every ground on which she moved for judgment as a matter of law at the close of the case-in-chief of the Judicial Inquiry Commission, and on which she moved for judgment as a matter of law at the close of all evidence in this matter.

2. In addition, the Court's finding that Judge Kelly is guilty as to Charge 1 – Delay in Issuing TPR Orders is against the great weight and preponderance of the evidence.

3. The Court's finding that Judge Kelly is guilty as to Charge 2 – Delay in Completing TPR Trials is against the great weight and preponderance of the evidence.

4. The Court's finding that Judge Kelly is guilty as to Charge 3 – Failure to Manage Dockets is against the great weight and preponderance of the evidence.

5. The Court's finding that Judge Kelly is guilty as to Charge 4 – Delay in Divorce Judgments and Modifications is against the great weight and preponderance of the evidence.

6. The Court's finding that Judge Kelly is guilty as to Charge 5 – Comprehensive Delay is against the great weight and preponderance of the evidence.

7. The Court's finding that Judge Kelly is guilty as to Charge 6 – Untimely and Inaccurate Canon 3A(5) Reports is against the great weight and preponderance of the evidence.

8. The Court's finding that Judge Kelly is guilty of violating Canon 2B of the Alabama Canons of Judicial Ethics is against the great weight and preponderance of the evidence.

9. The Court's finding that Judge Kelly is guilty of violating Canon 3 of the Alabama Canons of Judicial Ethics is against the great weight and preponderance of the evidence.

10. The Court's finding that Judge Kelly is guilty of violating Canon 3A(1) of the Alabama Canons of Judicial Ethics is against the great weight and preponderance of the evidence.

11. The Court's finding that Judge Kelly is guilty of violating Canon 3A(5) of the Alabama Canons of Judicial Ethics is against the great weight and preponderance of the evidence.

12. The Court's finding that Judge Kelly is guilty of violating Canon 3B(1) of the Alabama Canons of Judicial Ethics is against the great weight and preponderance of the evidence.

13. The Court's finding that Judge Kelly is guilty of violating Canon 3B(2) of the Alabama Canons of Judicial Ethics is against the great weight and preponderance of the evidence.

WHEREFORE, PREMISES CONSIDERED, Judge Kelly respectfully requests that, after hearing, the Court grant her motion and issue an order:

- a. entering judgment in her favor as a matter of law;
- b. in the alternative, granting Judge Kelly a new trial as to all charges; and
- c. awarding all other and further relief to which she may justly be entitled.

Respectfully submitted this 8th day of June, 2017.

/s/ H. Lewis Gillis
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Certificate of Service

I hereby certify that a copy of the foregoing has been FILED electronically with the Court of the Judiciary and a copy of the same emailed and/or hand-delivered to the person(s) shown below on this 8th day of June, 2018, as follows:

Mr. Billy C. Bedsole – Chairman
Mrs. Jenny Garrett – Executive Director
Rosa H. Davis, Esq.
William A. Gunter V, Esq.
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/s/ Mark Englehart
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