



IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF: *
*
MARVIN W. WIGGINS * CASE NO. 51
CIRCUIT JUDGE *
FOURTH JUDICIAL CIRCUIT *

ORDER ON PENDING MOTIONS

A hearing was held on September 11, 2019, to address pending motions and other matters. The following orders are entered:

1. Judge Wiggins contends that an agreement to resolve the charges was reached with the Judicial Inquiry Commission and that the agreement should be presented to the Court of the Judiciary for its consideration. The Court of the Judiciary is a court of limited jurisdiction and the proceedings of the Court are governed by rules established by the Alabama Supreme Court. Court of the Judiciary Rule 16 provides that "[t]he Court may, after notice and a public hearing, consider any proposed resolution of the charge or charges submitted by joint motion of the parties." It is undisputed that a joint motion to resolve the charges has not been submitted. Judicial Inquiry Commission Rule 10 also addresses the process by which a joint motion to resolve charges pending with the Court of the Judiciary may be presented. That Rule expressly provides: "A majority of the [Judicial Inquiry] commission may bind it to any such resolution. Any such resolution reduced to writing and signed by the judge and a majority of the commission shall bind the judge and the commission unless and until the proposed resolution is rejected by the Court of the Judiciary." No written resolution signed by Judge Wiggins and a majority of the Judicial Inquiry Commission has been presented. I note that even if the Court of the Judiciary was empowered to consider a resolution of a pending charge in the absence of

compliance with the provisions of the rules expressly applicable to the subject matter, there is no evidence that any attorney for the Judicial Inquiry Commission had the authority to bind the Commission to any agreement.

2. Additional time for discovery related to the pending complaint will be permitted, with the observation that the jurisdiction of the Court of the Judiciary, and correspondingly the scope of discovery in the matters before this Court, are limited and specific. The following amended scheduling order is entered:

A. Witnesses and Exhibits: On or before October 4, 2019, the parties shall exchange the names of potential witnesses and a list of potential exhibits, along with a copy of each exhibit pre-marked.

B. Discovery: Discovery shall be completed on or before October 18, 2019.

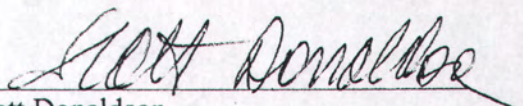
3. The motions of the Judicial Inquiry Commission to quash the deposition notices and subpoenas issued to Jennifer Garrett and the Custodian of Records of the Judicial Inquiry Commission are granted and those subpoenas are quashed.

4. The objection to the Notice of Deposition of Danny Crenshaw is moot. The objection to the deposition of Tacara Lee Sabir is overruled.

5. Any relief requested not specifically addressed in this order is denied.

6. The trial will be re-scheduled by separate order.

ORDERED this the 16th day of September, 2019.



Scott Donaldson
Chief Judge, Alabama Court of the Judiciary