



IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF: *
*
HENRY P. ALLRED * Court of the Judiciary
DISTRICT JUDGE * Case No.: 53
Walker County, AL *

MOTION IN OPPOSITION TO NON-EXPEDITIOUS SETTING OF TRIAL

COMES NOW the Judicial Inquiry Commission ("Commission"), and in opposition to Judge Allred's request that, should the trial of this matter not be set in December 2019, it be set after the primary election of March 3, 2020, and in support of its opposition, hereby states as follows:

1. Rule 7 of the Court of the Judiciary's Rules of Procedure states:

Dilatory motions will be treated with disfavor. Any action which, in the opinion of the Court, would interfere with the prompt disposition of the proceedings pending before the Court shall be discharged, and may be avoided by proper order of the Court.

Ala. R. P. Ct. Jud. Rule 7 (emphasis added.)

2. Judge Allred's request for a March 2020 hearing date unequivocally interferes with the prompt disposition of these proceedings. Any request for a later trial date is merely dilatory, against the interests of all parties, the public, and most importantly, against the interest of this State's judiciary.

3. Presently, Judge Allred is suspended with pay and will continue to receive a salary until adjudication of this matter.

4. The administration of justice in the District Court of Walker County is facing significant challenges because of Judge Allred's suspension in its inability to manage dockets and adjudicate cases.

5. The fact that the primary election is set for March 3, 2020 is not good cause for delaying the trial of this matter. In fact, the voters are entitled to timely adjudication.

6. Rule 8 of the Court of the Judiciary's Rules of Procedure states:

The Court shall fix a date for hearing upon the complaint as expeditiously as possible. . . .

7. The Commission is ready for trial. All parties involved in these proceedings, the judiciary, and the public will benefit from the expeditious resolution of this matter.

WHEREFORE, the Judicial Inquiry Commission objects to Judge Allred's request that, should the trial of this matter not be set in December 2019, it be scheduled after the primary election of March 3, 2020, and the Commission respectfully moves this Honorable Court to set a hearing upon the Complaint

as expeditiously as possible pursuant to Rule 8 Ala. R. P.
Ct. Jud.

Respectfully submitted this 8th day of November, 2019.

 /s/ Elizabeth C. Bern
Elizabeth C. Bern
Attorney for the Commission
Alabama Judicial Inquiry
Commission
PO Box 303400
Montgomery, AL 36130-3400
(334) 242-4089
elizabeth.bern@jic.alabama.gov

CERTIFICATE OF SERVICE

I hereby certify that I have, on this 8th day of November, 2019, electronically filed the foregoing with the Court of the Judiciary, and that I have further served a copy upon the following parties, electronically and/or by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Mr. John Henig
Mr. Bobby Segall
Copeland, Franco, Screws & Gill
P.O. Box 347
Montgomery, AL 36101
henig@copelandfranco.com
segall@copelandfranco.com

 /s/ Elizabeth C. Bern
OF COUNSEL