

FILED

JUL 15 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:

*

*

**JOHN RANDALL “RANDY” JINKS
PROBATE JUDGE
TALLADEGA COUNTY**

*

*

*

CASE NO. 57

**JUDICIAL INQUIRY COMMISSION’S RESPONSE TO
JUDGE JINKS’S MOTIONS FOR DISCLOSURE OF WITNESSES
AND FOR EXTENSION OF TIME**

COMES NOW, the Judicial Inquiry Commission (hereinafter “the Commission”) and hereby responds to Probate Judge John Randall “Randy” Jinks’s (hereinafter “Judge Jinks”) motions for disclosure of witnesses and for extension of time. In support thereof, the Commission states as follows:

1. On May 7, 2021, this Court set the above-styled case for a hearing to be held on May 12, 2021 to address specific motions and noted in its Order that “any other pending pretrial matters will be considered at this hearing.” The Court further ordered that the parties “should be prepared to discuss potential trial dates for this case.”

2. During the hearing of May 12, 2021, the Commission disclosed that it planned on calling approximately 15 witnesses at the trial. At that time, Judge Jinks failed to request a *mutual* exchange of

witness lists and/or that a scheduling order be issued.

3. As of today's date, Judge Jinks has failed to propound any discovery on the Commission requesting witness names or any other information, and instead in violation of Rule 37 of the Alabama Rules of Civil Procedure, moved to compel the Commission to provide its witnesses within 7 days. See Rule 37(2), Ala. R. Civ. P.

4. Further, as of today's date, Judge Jinks has failed to request from the Commission any *mutual* exchange of witness lists, which has customarily been ordered by the Court in previous trials pursuant to a scheduling order.

5. The Commission requests a scheduling order be issued in this case for a *mutual* exchange of witness lists, etc. Said scheduling order would resolve Judge Jinks's motion concerning disclosure of witnesses.

6. As justification for a postponement of the trial, Judge Jinks asserts that the official transcripts of Judge Jinks's depositions of the four primary witnesses (over two full days) are needed to file motions to dismiss.

7. Pursuant to Rule 12(b)(6) of the Alabama Rules of Civil Procedure, motions to dismiss shall be made before pleading. See Rule

12(b)(6), Ala. R. Civ. P.

8. Judge Jinks has already filed a responsive pleading, his answer and denial, and in fact, did so on April 28, 2021 without filing any motion to dismiss.

9. Judge Jinks further asserts that to adequately prepare for trial, he must depose “each and every person” the Commission intends to call as a witness.

10. Judge Jinks, by the trial date, will have had ample opportunity to get ready for trial. From the Court’s May 12, 2021 hearing until the August 16, 2021 trial date, the parties will have had more than three months to prepare for trial. The Commission submits more specifically the following:

a. From October 28, 2020 until March 23, 2021, Judge Jinks was represented by two attorneys, during which time Judge Jinks was served with copies of all transcripts from the eight witnesses who appeared and testified under oath before the Commission during its investigation stage.

b. During their representation, Judge Jinks filed with the Commission a factually detailed 24-page response to the

Commission's investigation (filed November 12, 2020). See attached Response marked as Exhibit 1.

c. The Commission filed the Complaint against Judge Jinks in this Court on March 4, 2021. Clearly, the vast majority of the Complaint is based on the anticipated testimonies of current and former employees in the probate-court office—including four primary witnesses who testified before the Commission and who Judge Jinks has already deposed. See also ¶ 4 of the Complaint (noting that Judge Jinks's charged conduct "has been primarily directed at and/or witnessed by certain employees under his supervision" and naming those employees. In addition, the Complaint references four attorneys (Owsley, ADA Felton, West, Echols), and the allegations in ¶ 87 relate to documents personally served on Judge Jinks. In short, via the Complaint's specific allegations, Judge Jinks has had ample information that could reasonably lead to the discovery of admissible evidence.

d. On March 13, 2021, Judge Jinks took to Facebook to address, in multiple paragraphs, the Complaint and its allegations.

e. On March 18, 2021, Judge Jinks appeared on the local

television show, “Daybreak Live,” on WOIL & WOTM for 28 minutes, specifically addressing and answering questions about the allegations in the Complaint.

f. Judge Jinks received additional time to file a responsive pleading and filed a detailed responsive pleading on April 28, 2021.

g. In the Court’s Order of June 22, 2021, this Court allowed Judge Jinks to depose four witnesses, with only one business-days’ notice, explaining:

Although the notice provided to these witnesses is short, the Court intends to set a trial date in this case so that depositions need to be taken as soon as possible. The time for production of documents is normally longer than the time provided in the subpoenas issued by Judge Jinks, but the Court can allow a short time to produce documents if appropriate under the circumstances. The Court will allow the depositions to proceed as scheduled.

(Emphasis added.) Despite the Court’s express intent to set a trial and the caution that the depositions needed to be taken as soon as possible, Judge Jinks has not—as of this date, July 15, 2021—requested any further depositions nor reached out to the Commission’s counsel to coordinate available times for further depositions.

11. Thus, Judge Jinks has failed to demonstrate good cause for any delay of the trial in this matter. See Rule 16(b), Ala. R. Civ. P.

12. The Commission is compelled to address Judge Jinks's assertion that a delay in the trial date will not adversely affect the Commission. Prejudice to the Commission is irrelevant at this juncture in the proceedings.

13. Rather, the Commission reiterates its averments in its April 9, 2021 pleading in this matter, i.e., over three months ago:

The Alabama Supreme Court recognized the compelling need for expediency in adjudicating a pending complaint in this Court in its Rule 8, Ala. R. P. Ct. Jud., which states, "The Court shall fix a date for hearing upon the complaint as expeditiously as possible," and Rule 7, which provides, "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 discouraged."

14. Any delay now—particularly given that Judge Jinks has failed to satisfy his burden of establishing good cause for his request—would be at the expense of the public, the judiciary in general, the other judges covering his judicial duties, and the Commission's witnesses who should not have to endure continued distress and embarrassment.

15. Judge Jinks's grossly inappropriate demeanor, as alleged in the Complaint, has injured respect for the judiciary, and further the public's confidence in the judicial system has been gravely eroded. The public's interest in an expedited resolution of disciplinary proceedings

against Judge Jinks advances the goal of restoring and maintaining the public's confidence and trust in this State's judiciary.

WHEREFORE, premises considered, the Commission respectfully requests that this Honorable Court issue a scheduling order for the mutual exchange of witness lists and further deny an extension of time for trial of this matter.

RESPECTFULLY submitted this 15th day of July, 2021.

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

CERTIFICATE OF SERVICE

I hereby certify that I have, on this 15th day of July, 2021, electronically filed the foregoing with the Court of the Judiciary, and that I have further served a copy upon the following by placing same in the United States Mail, postage prepaid and properly addressed and/or via email as follows:

Amanda Hardy
1620 Tara Drive
Chelsea, Alabama 35051
amandahardylaw@gmail.com

/s/ Elizabeth C. Bern
OF COUNSEL



November 12, 2020

VIA EMAIL

Billy Bedsole, Esq.
Chairman, Judicial Inquiry Commission
401 Adams Avenue, Suite 720
Montgomery, AL 36130-3400

Dear Mr. Bedsole and Members of the Commission:

Judge Randy Jinks has asked that we assist him in responding to your letter of October 7, 2020, regarding the complaints made by Ms. P. We understand that the Commission has decided to investigate fourteen allegations. Several of those allegations, however, do not fall within the jurisdiction of the Judicial Inquiry Commission ("JIC") because the events arise in the context of a probate judge's administrative, non-judicial role, and we request that the JIC dismiss those charges.

I. – III. These allegations claim that Judge Jinks made sexually and racially insensitive comments and that certain of his actions were inappropriate with respect to gender and race. Because these contentions, by their nature and number, overwhelm the remainder of the complaint, and in some respects seem designed to turn the Commission against Judge Jinks emotionally, I will deal with them at the end of this submission. I will note here that in many cases the allegations are flatly untrue or badly and misleadingly overstated, and in other instances are the product of misunderstanding and misinterpretation.¹

¹ I also note that the allegations made against Judge Jinks in these sections of the complaint deal with the administrative conduct of his office. There are other agencies, including the Equal Employment Opportunity Commission, that do have jurisdiction over such allegations and are more appropriate forums for the adjudication of such contentions. For that reason, even if the Commission finds it has jurisdiction, Judge Jinks asks that the JIC stay consideration of these charges until after the employees pursue their other administrative and judicial remedies.

IV. R T Allegations

Judge Jinks became acquainted with Ms. T in 2013, well before he became Probate Judge. Ms. T was a waitress at the Huddle House in Harpersville where Judge Jinks often ate breakfast, and she regularly waited on him. Judge Jinks usually read a book while he ate, and on one occasion, Ms. T laid a book, "The Shack!", on the table and asked Judge Jinks to read it. She said Judge Jinks would be unable to put it down once he started reading it. She was right, and Judge Jinks was impressed that Ms. T was a reader.

It is fair to say that Judge Jinks and Ms. T were friendly, and that he subsequently tried to help her. He emphatically denies, however, that they had anything other than a purely and totally platonic relationship. A few months after Judge Jinks first met Ms. T she quit her job at the Huddle House, and although they had become Facebook friends, he lost track of her for some time. He then received a message that she was at the Lovelady Center in Birmingham and learned she was in trouble for drugs.

Again, months, or maybe a year, passed before Judge Jinks heard from her again. Judge Jinks believes it was around April of 2016, when Ms. T told him she was in trouble; that she was seven months pregnant, had no job, no money, and no place to live. She was staying with one friend and then another. She said she needed help to go home to live with her mother in Plant City, Florida. After trying to come up with an alternative solution, Judge Jinks agreed to drive her to her home. He picked Ms. T up on a Friday afternoon at 3 pm. They drove straight through to Plant City, Florida, arriving around 2 a.m. the next morning. Judge Jinks briefly spoke to Ms. T mother who allowed him to sleep in a guest bedroom. He woke up after four hours of sleep, wrote Ms. T a note, left her approximately \$60 dollars, and drove straight home. After Ms. T baby boy was born, Judge Jinks heard from Ms. T only sporadically.

In 2018 or early 2019, Ms. T called Judge Jinks to say she was back in Shelby County staying at a motel where people stay by the week and sharing a room with someone she described as an uncle of her daughter. Judge Jinks visited her one time, taking her to eat and to Walmart where he bought diapers and shoes for her little boy. A few weeks later, Ms. T called Judge Jinks saying that she had been arrested for possession. She also had probation violations. Without assistance from Judge Jinks, Ms. T was released, but missed her court date the next week. She was arrested and stayed in the Shelby County jail from sometime in October 2019 until April 2020 on what was primarily a failure to appear charge. During this time, Ms. T mother came to Alabama and got Ms. T little boy.

Judge Jinks was frustrated with Ms. T for messing up, but after a while began to feel sorry for her. It seemed to him that she was being held a long time for a possession charge and for a failure to appear. Having no legal training (or even a college education), Judge Jinks called retired Circuit Judge Bill Powers for advice. Judge Powers had been a judge in Talladega County when Judge Jinks was a teenager and had also been Judge Jinks' Sunday school teacher. Judge Powers, who lives in Shelby County, said he knew Judge Crowson and would talk to him

about Judge Jinks did not ask Judge Powers to make that call, but he also did not know anything was potentially wrong with the call.

On one occasion, Judge Jinks personally called the DA's office in Shelby County and asked whether if Ms. T had a place to stay and someone willing to help her gain employment, the DA would consider an early release – especially given that Alabama was in the early stages of the pandemic. The DA declined.

Judge Jinks never asked Bob Echols or Amanda Hardy to do anything with respect to Ms. T. When they told Judge Jinks in casual conversation that they made something of a ministry out of helping young women in trouble, including some in jail who they would pray with, encourage, and even provide a little financial assistance to, Judge Jinks mentioned that he also was trying to assist a young woman in jail, i.e., Ms. T. Later when Mr. Echols and Ms. Hardy were at the jail to see someone else, they decided – Judge Jinks was told on the spur of the moment – to also visit with Ms. T. Judge Jinks was sent a photograph of them praying together.

Later, without any request from Judge Jinks that he do so, but rather based on his own knowledge of Ms. T, Mr. Echols filed a petition seeking to obtain Ms. T release from jail. Either before or after Mr. Echols filed the petition, Judge Jinks believes Mr. Echols called him and said that he was in Judge Crowson's office and that the Judge was on the phone with the DA. After maybe a minute, Judge Crowson appeared on the phone and said he was talking to the DA. Judge Jinks does not recall asking Judge Crowson to do anything and spoke to him for only around a minute. Judge Jinks never initiated any conversation with Judge Crowson and spoke to him only once. Judge Jinks does not believe he knows Judge Crowson.

To the extent that the help Judge Jinks was willing to provide to Ms. T appeared in a petition filed by Mr. Echols, Judge Jinks neither authorized, nor knew about, the inclusion of that information in the petition. Judge Jinks, however, never made any secret of his willingness to help Ms. T and probably mentioned it to Mr. Echols and Ms. Hardy, as well as to others, including Ms. P.

During her time in jail, Ms. T on occasion texted and called Judge Jinks, and he at times put a few dollars on her card so that she could call to check on her son and so that she could buy snacks. While Ms. T was in jail, she beseeched Judge Jinks to help her get on her feet after she was released. Judge Jinks believed that despite Ms. T problems, she was a religious person who often read her Bible and that she was ready to put her life in order. Because Judge Jinks believes in second chances and in redemption, he told Ms. T he would try to help her by finding her a place to stay and by trying to find her a job. Toward that end, Judge Jinks purchased an RV for Ms. T to stay in and placed it on his family property. He also discussed possible employment for her with Ms. P. Judge Jinks was aware that the county had hired trustees when they got out of jail and that the Probate Judge's office had often hired temporary help during elections. He discussed these possibilities with Ms. P.

At some point in April 2020, and largely because of the pandemic and Governor Ivey's order requiring that certain inmates be released, Ms. Hardy informed Judge Jinks that Ms. T was being released from jail. That day was the first time Judge Jinks learned that Mr. Echols had caused to be put in the court order that Judge Jinks was to be Ms. T's sponsor, providing her a place to live and helping her gain employment. As a result of Mr. Echols' petition and the pandemic, Ms. T was released 27 days prior to her official release date.

Two days after she was released, Ms. T left Judge Jink's RV, and Judge Jinks has not seen her since that time. He has since discovered that the first night she was out of jail, she drank nearly a half bottle of Vicks Night-Time Nyquil. Judge Jinks now knows, therefore, that Ms. T was not ready to get her life in order despite her many promises to the contrary. After Ms. T left Judge Jinks' property, and while she and her daughter were staying with a friend for a few days, Judge Jinks told her she was no longer welcome on his property because he wasn't going to expose his family to COVID-19. Judge Jinks wishes Ms. T well, but he has no information about where she is or what she is doing at this time.

The JIC should know that Ms. T is not the only person in need who Judge Jinks has tried to assist. She is not even the latest example of his charitable ways and caring spirit. Should the JIC determine that such examples might be relevant to its consideration, I will provide them.

V. Attorney Robert M. Echols, Jr. Allegations

Judge Jinks met Bob Echols in the fall of 2018. He did not know Mr. Echols at the time, but had known Amanda Hardy since 2003 when she interned in the Third Congressional District Office. Ms. Hardy, who, although not an employee, had practiced law at Mr. Echols' office since she was admitted to the Bar in May, 2017, called Judge Jinks during the fall campaign and asked him to join Mr. Echols and her for lunch. The three of them had lunch, and on that occasion, Mr. Echols contributed \$500 to Judge Jinks' campaign. There was no mention at that lunch of the possibility that adoptions might be filed in Judge Jinks' court should he be elected.

Rather, it was several months after Judge Jinks was elected that Mr. Echols and Ms. Hardy first visited his office to broach the subject of filing adoptions in his court where venue was in another county. Mr. Echols and Ms. Hardy explained that in certain counties adoptions were not handled as professionally or timely as they should be, so that they liked to file in counties where adoptions were given more appropriate attention.² They also explained that every Probate Judge had jurisdiction over adoptions regardless of venue, but that if venue was challenged, it was appropriate to transfer the adoption to a county with venue.

Despite that both Ms. P and Ms. D in Judge Jinks' office made it clear that they did not like Mr. Echols and did not want him to file adoptions in Talladega County without venue, the more Judge Jinks talked to Mr. Echols and Ms. Hardy, the more he could see how

² By way of example, after the beginning of the pandemic, the Jefferson County adoption staff completely shut down and staff members were not, according to Mr. Echols, even working from home. Shelby County slowed down significantly although its staff was working from home.

passionate they were about this work and how they approached it more like a ministry -- a ministry for children who need a home and for prospective parents who have longed to have a child - than just an area of law practice. He decided, therefore, to check out what they had told him.

Because Mr. Echols mentioned that a lot of his adoptions had been handled by now retired Probate Judge Junkins in Etowah County when venue lay elsewhere, Judge Jinks called his predecessor in Talladega County, Judge Atkinson, to see what he might advise. Judge Atkinson said that Judge Junkins was a good person who would not steer him wrong and that Judge Jinks should check with him. Judge Jinks then arranged a meeting with Judge Junkins, and met with him on January 28, 2020. Judge Junkins told Judge Jinks that he saw no problem with a Probate Judge considering adoptions where venue was elsewhere; that it made the adoption process more efficient; and that Mr. Echols was an outstanding and honorable lawyer. It was only after this meeting of January 28, 2020 that Judge Jinks decided he would hear adoptions filed in his court regardless of venue unless venue was challenged.

Despite Judge Jinks' decision in this regard, Ms. P continued to argue that venue was a problem, and she was less than civil in her protestations. On one occasion when the petitioners resided outside Talladega County -- Judge Jinks believes in Marshall County - Ms. P snapped hatefully at Mr. Echols, asking "why don't you just file your petition in Marshall County?" Judge Jinks told Ms. P that she needed to behave civilly even when she objected to what was being done.

On another occasion, Ms. P objected vehemently to Judge Jinks' signing an interlocutory order, arguing aggressively and vociferously that such orders were not signed in Talladega County. In fact, when an adopting party has custody of the child who is the subject of the adoption, such interlocutory orders are necessary to protect the child in the event of an accident or other emergency requiring medical care. Indeed, contrary to Ms. P's persistent assertions to the contrary, the law requires the entry of interlocutory orders under such circumstances. See Code of Alabama, Section 26-10A-18: "Once a petitioner has received the adoptee into his or her home for the purposes of adoption, and a petition for adoption has been filed, an interlocutory decree shall be entered delegating to the petitioner (1) custody . . ." As a result of Judge Jinks' doing the right thing -- despite the angry protest of Ms. P -- most lawyers filing an adoption petition in Talladega County appropriately request an interlocutory order. Judge Jinks enters such orders with a hearing date in the event the adoption has not been completed within a reasonable time.

Three other quick points should be made. First, the JIC should take into account that matters related to adoptions contributed significantly to Ms. P's hostility toward Judge Jinks and possibly led to this complaint. This is true even though on one of such adoption matters (interlocutory orders) Ms. P was dead wrong, and on another of such matters (venue), she appears very likely wrong.

Secondly, petitions for adoption filed in Talladega County by Mr. Echols and Ms. Hardy have always been very thoroughly put together and in order. It is rare that any document has been left out of the file.

Finally, in her complaint, Ms. P states pejoratively that Judge Jinks gets excited when he is to hear an adoption matter filed by Mr. Echols. The truth is that Judge Jinks is excited about hearing any adoption petition. Adoptions, including helping create good, loving families through the adoption process, are the most gratifying part of his job, so much so that every time he grants an adoption, he places the name of the child on a list and sends the child a birthday card on his or her next birthday. Judge Jinks also takes adoption petitions very seriously. He reads and relies on the home studies of the petitioners and learns what he can from such studies and from hearings about the parents to be. His office and he check petitions closely. To Judge Jink's knowledge, there has been only one petition filed in his court that has resulted in a problem, and that problem is one of the subjects of Ms. P complaint. It will be addressed in that context, but it bears noting here that Mr. Echols was not involved in the problem adoption.

VI. Use of Judicial Stationery for Personal Purposes

This occurred on only one occasion, and Judge Jinks made a mistake. He was asked to write a letter for someone who had suffered a stroke and had limited mobility. Because this person was in financial difficulty, he needed to try to sell an insurance policy on his life. Judge Jinks wrote a letter trying to help him do that. Judge Jinks had nothing personal to gain from the letter, and since the time of the letter, Judge Jinks has used only personal stationery for such matters.

VII. Pattern of Other Conduct unbecoming the Judicial Office

- a. **When you found out Ms. G was trying to conceive a child, you told her not to get pregnant until after the election**

That is not what Judge Jinks said. When he heard that Ms. G and her husband were thinking of having a child, Judge Jinks said lightheartedly and jokingly that he hoped she had a child before the next election because the office would need all "hands on deck".

- b. **You play country music so loudly that court customers can hear it.**

Rarely, Judge Jinks plays music on his computer when he is processing documents. His intent has been to play the music just loud enough for him to hear. If anyone was disturbed by the music, he would have been happy for her or him to close the door or to ask him to do so. Judge Jinks had no idea the music disturbed anyone, but he now closes his door when he is in his office.

c. You asked an employee, "Does anybody in here mind having their temperature checked from behind, or do you prefer it on your head?"

This is another example of overstatement, or perhaps people not understanding or liking what was intended as innocent humor. During COVID's outbreak in March and April, the courthouse was closed to the public. During this time, Judge Jinks allowed lawyers and real estate professionals to conduct title searches in the probate office, and he purchased a digital thermometer to check the temperature of those doing this work. He also told probate staff that the temperature of employees would be checked daily and that anyone with fever should stay home and go to the doctor as soon as possible. Judge Jinks also said he knew this was going to be an inconvenience, but fortunately it was a digital, and not a rectal, thermometer. Judge Jinks had no idea anyone was offended by this apparently unsuccessful attempt at humor.

Ironically, a staff member last year had an endoscopy test and a colonoscopy at the same time. Judge Jinks told Ms. D that was a rough day of testing. Ms. D responded, "yeah, but I told [the employee] if she woke up with a bad taste in her mouth, she would know which test they did first!" This event is offered not because anything was wrong with Ms. D joke, but rather because nothing was wrong with it.

d. As you admitted to Chief Clerk P . . . you act the way you do so people will get to know you and thus understand you, and you make comments to get the shock reaction

As discussed later in connection with parts I-III of the complaint, Ms. P so-called intervention never occurred. In another context, it is possible when getting to know Ms. P that he told her he likes to inject humor into conversations or something of that nature.

VIII. Pattern of Unfaithfulness to the Law or Failure to Maintain Professional Competence in the Law

a. Since March 2019, you have allowed Mr. Echols to file adoption petitions in Talladega County

Judge Jinks has already responded above to this contention.

b. Adoption Petition of S.W.R., Case # A20-025

This was a pre-birth adoption petition filed by attorney Trina Hammonds after the biological mother had signed a consent to the adoption that was witnessed by Ms. Hammonds. The biological mother had the right to revoke her consent in writing five days from the date she signed the consent or within five days of the birth of the child, whichever was later. The Court received no notice of revocation prior to the hearing date.

In the petition and at the hearing, the petitioner was represented to be the wife of the father of the child, as listed on the child's birth certificate, and she and her husband, the purported father of the child, so testified at the hearing. Petitioner also testified that she and her

husband had brought the child home from the hospital following its birth. That is, the petitioner was the only mother the child had ever known. Judge Jinks considered this fact, along with the fact that petitioner was married to the child's father in what appeared to be a stable marriage, to be good cause for waiving the one-year requirement. I have uncovered no Alabama decision holding that a judge lacks the discretion to make such a decision. On this basis, and believing the petitioner's husband was the father of the child and that petitioner had taken the baby home from the hospital, Judge Jinks granted the adoption.

Shortly after the adoption was granted, the biological mother filed an emergency petition to set aside the adoption. She alleged that she had orally informed the adopting petitioner within 5 days of the birth that she had changed her mind about consenting to the adoption. At the emergency hearing the adopting petitioner, her husband, and the biological mother all admitted in testimony that they had participated in a scheme to deceive the court into believing that the petitioner's husband was the father of the child and that petitioner had taken the child home from the hospital. On that basis, Judge Jinks set aside the adoption, and assessed the guardian ad litem's fee against all three of the parties who participated in the fraud.

Not only did Judge Jinks consult with Ms. P about the order he entered, but, before entering the order, he also asked Talladega's senior circuit judge to review it. The circuit judge told Judge Jinks the order was fine. The biological mother admitted in her testimony that she had participated in the scheme to defraud the Court.

Judge Jinks reported the entire matter to the District Attorney. He has not yet heard what, if anything, the District Attorney plans to do.

c. Involuntary commitment of A.A. #c20-022: On September 14, 2020, you took jurisdiction of the petition for involuntary commitment of AA who was confined in the Calhoun County jail

When the petition for involuntary commitment was filed in the Probate Court for Talladega County, to Judge Jinks' knowledge, A.A. was in the Talladega County jail.

d. Marriage Recorded in Marriage Book 147, Page 314

Asking Ms. P to delay mailing the marriage documentation to the Office of Vital Statistics for a short time was fully appropriate. Within one hour after becoming married, the purported wife came back to the probate office saying she had just learned the husband was on drugs, and she wanted the marriage set aside. Judge Jinks promptly called the Office of Vital Statistics to determine what he should do under such circumstances. The person to whom Judge Jinks spoke advised him to seek advice from the Administrative Office of Courts ("AOC") and to delay sending the information to Vital Statistics until he had obtained that advice. At that point, Judge Jinks asked Ms. P to do what Vital Statistics recommended, i.e., delay mailing the documentation.

Judge Jinks promptly sought the advice of AOC. He was told that there was nothing he could do. Based on that information, Judge Jinks asked Ms. P to mail the documentation to the Office of Vital Statistics. The documentation was mailed the very next day after the marriage.

IX. In Adoption Petition of S.W.R. – Direct Contempt

The biological mother testified that she was in on the fraudulent scheme from the beginning. She acknowledged that it was her idea to list the husband of the adopting petitioner as the father of the child on the birth certificate. She was fully aware that the fraudulent petition would be filed, and she encouraged it. The order the JIC quotes at page 7 of the complaint says in essence all of the foregoing, and, before entering the order, Judge Jinks showed it to Talladega County's senior circuit court judge to determine whether it was correctly written. The circuit court judge told Judge Jinks the order was fine.

X. Involuntary Commitment of A.A. – you allegedly took the following actions:

a. You spoke to the impending petitioner about the facts and told him to file the petition in your court.

As he would do with respect to any citizen of Talladega County when called with a question, Judge Jinks told the impending petitioner the procedures that had to be followed in connection with an involuntary commitment. Judge Jinks told the impending petitioner that a petition could be filed in Talladega County Probate Court only if the subject of the petition was located in Talladega County. Although the impending petitioner, in asking his questions, spoke of the history of A.A.'s mental illness, Judge Jinks did not pre-judge the petition, but rather based his decision to commit on the evidence presented to him at the hearing. Judge Jinks views it as an administrative responsibility of the Probate Judge to answer questions put to him by citizens of his county, and if he doesn't know the answer to attempt to seek out the answer.

After A.A. was arrested and placed in the Talladega County jail, Judge Jinks received a call from the impending petitioner and told him to speak to AltaPointe Health about the details of filing a petition.

b. You decided you were going to commit

Prior to the conduct of a hearing, Judge Jinks decided only that he would not rule out a commitment – as people in his office were urging him to do (with one person describing A.A. as a "nuisance") - without hearing the evidence presented to him. When the evidence was presented to him at a hearing, which included testimony from an expert that A.A. was schizophrenic, and from law enforcement that she was a danger to herself or others, he found that the criteria for involuntary commitment were satisfied, and on that basis, he determined that an involuntary commitment order was appropriate.

c. You told the impending petitioner that you would get the Talladega County Sheriff to move AA from the Calhoun County jail to the Talladega County jail

Judge Jinks said he would inquire of the Sheriff's office how such matters were handled when a resident of Talladega County was in jail in an adjoining county. Oxford, the city in which A.A. lived is divided between two counties, Calhoun and Talladega.

d. You asked _____ about picking up A.A. at the Calhoun County jail and transporting her to the Talladega County jail.

Judge Jinks asked the Chief Deputy how such matters were handled when a resident of Talladega County was in jail in an adjoining county. Once appropriate procedures were explained to Judge Jinks, he did not ask the Sheriff's office to do anything that was not in accordance with normal procedures.

e. You called the mental health liaison at AltaPointe Health to "demand that [its staff] do something.

Judge Jinks did not demand that AltaPointe do anything. He did explain his frustration with the mental health system and how difficult it is to obtain help for a mentally ill person who needs help. There was also a discussion of the inadequate funding of mental health and that as a result, there was a waiting list for beds. They also discussed that doctors, in many instances, release patients after just a few days of treatment and in most cases, they are back in a matter of weeks. They discussed that often patients are released before they should be released.

f. Probate Judge Martin told you A.A.'s mental health did not meet the necessary criteria for involuntary commitment

Judge Jinks did speak with Calhoun County Probate Judge Alice Martin. His recollection is that Judge Martin told him that A.A. had been the subject of an Outpatient Treatment Order in Calhoun County. To Judge Jinks that meant that A.A. satisfied the criteria for involuntary commitment. Code of Alabama, Section 22-52-10.3(a) provides that "at the final hearing on a petition for commitment seeking the involuntary commitment of a respondent, the probate court may order that the respondent participate in outpatient treatment provided by a designated mental health facility."

g. When Ms. D _____ reminded you that a person with dementia or traumatic brain injury does not meet the mental health criteria for involuntary commitment, you stated, "Well, we're going to do something".

What Judge Jinks recalls Ms. D _____ telling him is that A.A. is just a nuisance. Judge Jinks did not determine to do anything relative to involuntary treatment for A.A. until he heard the evidence presented at the hearing. Although there was evidence that A.A. had suffered a head injury in an accident some time ago, there was also evidence that she had been treated for

mental illness long prior to the accident, and Judge Jinks determined that someone with a traumatic brain injury could still benefit from treatment for his or her mental illness.

XI. The complaint skipped over XI.

XII. By your actions in the Involuntary Commitment of A.A., you lent the prestige of the judicial office to advance the private interests of the petitioner, and you conveyed the impression that he was in a special position to influence you.

The petitioner in this matter was not in a special position to influence Judge Jinks. Judge Jinks did not know the petitioner. To his knowledge, Judge Jinks had never seen or spoken to the petitioner prior to his calling the probate office to learn whether it would be appropriate to file an involuntary commitment petition in that court. Judge Jinks saw the petitioner for the first time at the hearing. The petitioner was a citizen of Talladega County as was A.A. Both of them had the same rights, and were treated the same way, as any other citizen of Talladega County under the same or similar circumstances. Judge Jinks believes in helping people like A.A., and he is very hopeful that she has benefitted, or will benefit, from the treatment he directed she should receive.

XIII. You have engaged in ex parte communications with attorneys outside the presence of opposing counsel and with litigants outside the presence of counsel. In addition, your conversations with the impending petitioner about the facts of his impending petition in Involuntary Commitment of AA were ex parte communications.

With respect to the general allegation of "ex parte conversations with attorneys outside the presence of opposing counsel and with litigants outside the presence of counsel", I request that the JIC provide the factual basis for the claim.

The only possibility Judge Jinks can think of relates to his speaking to the attorney appointed to represent A.A. in the involuntary commitment proceeding. Judge Jinks informed that lawyer that the hearing would be held by zoom and that he should provide the email addresses for any witnesses he might call at the hearing.

With respect to conversations with the impending petitioner in the involuntary commitment matter, Judge Jinks believed he was handling an administrative function of his office, i.e., advising a citizen of the procedures to follow in an emergency situation where a relative was in jail, and allegedly instead needed to be receiving treatment. The impending petitioner told Judge Jinks just enough background to allow Judge Jinks to try to provide an accurate procedural answer. At the time of the conversations with the impending petitioner, Judge Jinks did not know who to inform of the communication, but certainly did not keep it a secret. In addition, nothing said in a conversation with the impending petitioner had any impact on Judge Jinks' decision with respect to any substantive issue involved in the involuntary commitment proceeding.

XIV. You have conducted independent investigations, i.e., gathering facts outside of court proceedings, by going twice to nursing homes to discuss guardianship cases with the home administrator and/or social worker.

Judge Jinks did this on one occasion shortly after taking office. He informed the affected lawyer what he had done at the time and apologized for making an error in that regard. In a case with dueling petitions for guardianship over a disabled adult sibling, there was hearsay evidence that one of the sibling-petitioners had left a nasty voicemail on the phone of a nursing home where the disabled sibling once resided. The sibling-petitioner who was accused of doing so denied the allegation. Judge Jinks had already decided to rule against that sibling-petitioner, but was interested in whether she had in fact left a nasty voicemail at the nursing home. He asked the nursing home administrator who said no such nasty voicemail had been left. Based on the evidence presented at the hearing, and obviously not on the information provided by the nursing home administrator, Judge Jinks appointed a different sibling-petitioner as guardian.

The only other matter the complainant might be referring to related to another petition for guardianship where the petitioner wanted, for financial reasons, to remove his sister from a nursing home. A nursing home representative attended the hearing. Both the lawyer for the petitioner and the guardian ad litem agreed the Court needed a letter from the nursing home physician setting out the condition of the proposed ward, and Judge Jinks directed the nursing home to obtain such a letter. When no letter was forthcoming, the attorney for the petitioner asked Judge Jinks to help obtain the letter, and Judge Jinks contacted the nursing home administrator about obtaining the letter.

I-III. Sex and Race Allegations

Introduction.

Much of Judge Jinks' career has been centered around public service and politics, and he has often been in the spotlight, especially in connection with his political activities. Over the years, he has worked with hundreds of people throughout Alabama, both men and women, black and white. During all these years, many people have disagreed with Judge Jinks on issues of policy and procedure – after a change in administration he was even terminated for insubordination from his twelve-year position as Marketing and Advertising Manager at the Alabama State Parks. But in all these years, and in all the roles Judge Jinks has filled, there has never been a sexual or racial complaint made against him until now. The reason is simple. He has never sexually harassed anyone and has never discriminated against anyone on the basis of race or gender. He was literally stunned when, on October 14, 2020, he read the complaints made against him with the Judicial Inquiry Commission.

Unquestionably, Ms. P [redacted], has ill will toward Judge Jinks. That is largely because upon Judge Jinks' becoming Probate Judge in January of 2019, Ms. P [redacted] role in the Probate Judge's office changed. Under former Probate Judge Atkinson, Ms. P [redacted] had enormous authority. She did a lot of the work that Judge Jinks now does. Some of the lawyers who practiced in Probate Court called her Judge P [redacted].

By invitation from Judge Atkinson, Judge Jinks, following his election in November 2018, observed Judge Atkinson conduct hearings. Ms. P sat to the right side of the judge. After he ruled, he passed the file to Ms. P and asked the parties to go to her office where she would sign off on all documents. According to Ms. P, she was so indispensable that if she had to be out of the office, Judge Atkinson often rescheduled hearings. In addition, Ms. P handled everything related to elections. She also supervised the other employees in the office and was influential with respect to who became employed by the office. She also had influence with respect to other appointments the judge was responsible for making.

After Judge Jinks became judge, he undertook to learn from Ms. P, but made it clear that once he became acclimated, hearings would not be rescheduled because of her absence. Judge Jinks did not want to inconvenience either lawyers or other people who had business with the court. Judge Jinks also told Ms. P that he would be the person who signed off on all documents, that he would make all appointments for which the Probate Judge was responsible, and that he would take an active role in the interview process for new employees. Although Judge Jinks valued Ms. P thoughts and recommendations with respect to issues that arose in the office, he made it clear that he would make his own decisions. Handling adoptions where venue lay elsewhere and, when appropriate, entering interlocutory orders are two examples.

Put simply, it is evident that Ms. P became resentful of Judge Jinks for reasons related to his exercising decision-making authority and unrelated to the allegations in parts I – III of the complaint.

Judge Jinks appreciates this opportunity to address especially the claims made in parts I-III because they paint a picture of him that is not him. He is not sexist. He is not racist. Many of the allegations are untrue or badly misleading. Others are misinterpretations of comments purportedly made by Judge Jinks in private phone conversations. The person who eavesdropped, or otherwise claims to have overheard Judge Jinks' comments, heard only one side of the conversation, and made a serious, and seriously flawed, complaint without having any knowledge of context.

One further comment should be made before addressing specific allegations. Ms. P contends that she talked to Judge Jinks about "tempering his inappropriate and unprofessional comments and conduct". Never once did that occur. Had Ms. P or anyone else told Judge Jinks that his comments or conduct were offensive to staff members, or that anyone felt sexually harassed by him, or that he had said something that was racially or sexually insensitive and offensive, he would have responded in a serious manner and would have changed whatever needed to be changed.

On an occasion when a new employee had just been hired, Judge Jinks does recall Ms. P saying to him that she knew he liked "to put himself out there", and that the new employee was a young lady, so he should be respectful. Because Judge Jinks makes a point of

being respectful to everyone, he did not know to what Ms. F was referring, and she offered absolutely none of the information now alleged in the complaint against him. This conversation was very brief, and Judge Jinks recalls responding only "of course" to what he considered a curious comment.

I. Pattern of Sexual Harassment and Creation of Intimidating, Hostile, and Offensive Work Environment.

Judge Jinks disagrees passionately with the idea that he has created a hostile and offensive work environment or that there is such an environment in his office. As a matter of background, Judge Jinks has consistently observed staff talking and laughing on workdays. Almost every day, he walks through the office and says "good morning" to everyone. To make staff members feel valued, he has taken every employee to lunch at least once – and some employees multiple times. When someone has lost a loved one and Judge Jinks has known about it, he has uniformly attended memorial events or otherwise paid his respects.

In two years, Judge Jinks has failed only once to buy a cake for the birthday of a staff member. On that one occasion, the staff member was on vacation. Judge Jinks has bought donuts for his office and once bought them for the entire courthouse staff. When one staff member, Ms. G, was married early last year, but was unable to go anywhere for a honeymoon night, Judge Jinks arranged, and paid for, a bluff side suite for the couple at Guntersville State Park.

There are other ways Judge Jinks has tried to create a friendly office environment – the opposite of a hostile environment. He was, for example, generous with his personal gifts to staff at Christmas last year, and every employee, at their initiation, hugged his neck. He has always been understanding when staff members have needed to miss work because of family issues. During the pandemic he has repeatedly demonstrated his concern for the safety of his staff. For weeks, his employees were the only ones to have their temperatures checked every day when they came to work. He has also approved several promotions with pay raises for staff members, and he personally lobbied the Talladega County Commission to obtain a 5% raise in pay for Ms. P. In addition, in appreciation for Ms. P's hard work during elections, he has shared with her the \$.05 per voter state law allows Probate Judges for preparing the voters list during primary and general elections. He has bought apples and onions when staff people sell them even though he eats neither apples nor onions. He has bought Girl Scout cookies for Ms. P and Ms. D, and he recently gave Ms. D a card with a \$50 Longhorns gift card as a way to show his appreciation for her hard work. These acts by Judge Jinks are not calculated; rather they represent who he is, and they contribute to a good working environment – not a hostile one.

With respect to the specific allegations of wrongdoing, Judge Jinks responds as follows:

Sexually Inappropriate Comments.

a. You have joked and commented about seeing women in bikinis.

This is a very vague accusation. Judge Jinks has not made any such remarks to, or in the presence of, any staff member. He does not even recall making such a comment in a private conversation on his personal cell phone. If he did, Ms. P or someone else should have suggested to him that he keep his office door closed. Had he had any notion that people were listening to his private calls, or were offended in any way by what they claim to have heard, he would have made certain that his door was closed when he was in his office.

b. You said something looks like the batteries that go in a vibrator to get the woman to feel good.

Judge Jinks has not made any such remarks to, or in the presence of, any staff member.

c. You have stated you pay young ladies to have sex with you

Judge Jinks has not made any such remarks to, or in the presence of, any staff member, and if anyone else has said it about him, the statement would be false.

d. During the COVID-19 pandemic, you told Mr. D P, in hearing distance of two female employees, that when you have sex, you have to bend them over to the back and have hit-it-from-back sex.

Judge Jinks made no comment to Mr. P involving the phrase "hit it from the back" sex and does not know how Mr. P could have overheard from his office a private conversation in Judge Jinks' office. Mr. P office sits entirely across the room from Judge Jinks' office.

"Hit it from the back" is a term Judge Jinks has never used in referring to himself. He does, however, recall using that phrase in his office on his personal cell phone while speaking privately to a friend about another friend. Judge Jinks describes the subject of the comment as a good person with a serious sex addiction problem. This person attends church regularly and is a responsible, honest individual. But, whenever one talks to him, he tries to bring up sex and his latest conquests, and on one occasion he mentioned - in relation to himself - the concept of "hit it from the back."

In a private conversation, Judge Jinks quoted to a friend what this troubled person had said. If Mr. P overheard the comment, he had to have been making an effort to do so, and he twisted, or misunderstood, the comment, in a way to make it seem that Judge Jinks was speaking of his own experiences. Judge Jinks personally is disgusted by the phrase, but his conversation was intended to be a private one about a serious problem.

One other point should be made here. As Ms. P can, and should, confirm, Mr. P credibility is subject to some question. Ms. P on more than one occasion has urged Judge Jinks to fire Mr. P because he lied to both Ms. P and Judge Jinks

about taking online college courses during office hours, Judge Jinks has always liked Mr. P and believes in second chances. For that reason, and because he believes Mr. P has been very helpful in the election process and has an engaging personality that is good for the work of the office, Judge Jinks has resisted Ms. P efforts to have him fired. Ms. P did make a note in Mr. P personnel file about his taking online college courses during office hours and/or about his being untruthful in that regard.

e. You asked, I like porn-don't you?

Judge Jinks does not recall ever having asked that question of anyone.

f. You sang throughout the office, "Everybody wants my body sometimes."

Judge Jinks is a singer and sometimes sings softly or whistles while he works at his desk. He has done a fair amount of recording. One of his favorite singers is Dean Martin, and he has recorded a 10-song cd of Dean Martin songs. One of Judge Jinks' favorite Dean Martin songs is "Everybody loves somebody sometimes." As humor, Dean Martin used to sing the lyrics as "everybody wants my body sometimes." Judge Jinks may well have sung the song that way when walking to the water cooler. If he did so, though, it was sung softly (what Judge Jinks describes as practically singing under his breath), and was not intended to be offensive. If anyone had ever even suggested to him that he was singing an offensive song, he would have made a point of not singing it.

g. You stated, "can you smell my cologne? It's called sex. Maybe now I'll get some."

While at Michaels Men's Wear across the street from the courthouse to buy a suit, Judge Jinks absent-mindedly sprayed on a sample of cologne and then saw it was called "SEX". Later, an employee, T D , came into Judge Jinks' office he believes to bring a file. He innocently told her he had sprayed the cologne on at Michaels Men's Wear and then noticed the name was "SEX". If he said "maybe now I'll get some", he should not have done so, and doubts that he did. In any event, the comment – if made – would have been intended as a lighthearted, self-deprecating, and pretty tame joke.

h. You commented that a D-cup bra could be turned into masks.

This was mentioned by Judge Jinks in a private cell phone call in his office. Someone texted him an online recitation of creative ways people were making masks. He mentioned the text and the bra comment to someone with whom he was speaking privately. Judge Jinks did not know until this complaint was filed that people were overhearing his private conversations. He wishes at least one person, and especially Ms. P , had merely asked him to keep his office door closed when on the phone. He would have gladly complied.

- i. You stated, "I want to go to the beach and look at all the girls in the bikinis. Precious memories, how they linger".

This is another example of a person eavesdropping on, or otherwise overhearing, a personal and private cell phone conversation. In the call Judge Jinks was reporting to a friend what he had earlier told his pastor. He said he told his pastor that he had a conference coming up at Orange Beach, and would be sitting on the beach where women would be running around in swim suits, and Judge Jinks would be humming that old song "Precious Memories!"

This should not have been offensive to anyone, but if it was, Ms. P or someone else should have suggested that Judge Jinks close his door when on a private call.

- j. After I watched the halftime show [with scantily clad female dancers], I needed to go confess my sins.

This is yet another example of a person eavesdropping on, or otherwise overhearing, a personal and private cell phone conversation. In this call, Judge Jinks said he had texted his pastor after the halftime show of the super bowl and told him it was the most sexually inappropriate halftime show he had ever seen. Judge Jinks said that he had jokingly told his pastor that he wasn't having the purest of thoughts as he watched the show and that his pastor had suggested scheduling a visit for confession. If this was offensive to anyone – and it should not have been -- the offended person should have closed Judge Jinks' door, suggested that Judge Jinks do so, or stopped listening.

- k. In reference to the 19 year old employee who worked only two days before quitting, you commented, "I would like to see her in a bikini"

Judge Jinks denies this accusation. The day the employee, who had been hired by Ms. P, quit, Judge Jinks was in his Sylacauga office. He was told by Ms. P that the employee quit because she wanted to return to school. Judge Jinks talked to this new employee for a total of five minutes right after she was hired. The conversation was very respectful on both sides.

Pornography

- l. On or around July 10, 2020, you showed Mr. P in the poll-book room pornography of women flashing their breasts and buttocks.

Depending on one's definition of "pornography", this allegation is basically accurate. Mr. P and Judge Jinks were working in the poll-book room when a friend texted Judge Jinks a country music song called "show them to me." The video showed women flashing their breasts. Judge Jinks showed the text video to Mr. P, who watched it without giving any

indication of being offended. Nevertheless, Judge Jinks recognizes that he should not have shown the text message to Mr. P in the workplace.

Gender-biased comments

- m. You stated that you like to drive the boat, that you do not like to take orders from a woman, and that they should know their place.

Any discussion Judge Jinks may have had that even resembles the alleged statement would have been in what he thought was the privacy of his office. Although Judge Jinks very much likes to drive boats, and is most comfortable when he does the driving - no matter whether the alternative is a woman or a man - he does not believe he would have said even to a friend that "women should know their place." If he ever has said any such thing, and he does not believe he has, it was obviously said as a joke. Judge Jinks has taken instruction from many women over the course of his life, and in the probate office, he relied heavily on Ms. P and Ms. D before becoming acclimated to the job. He still relies on them.

Racially Insensitive Comments

- n. You stated, regarding the George Floyd case, that you do not see any wrong with the police killing that black guy.

Judge Jinks categorically, emphatically, and passionately denies this allegation. He has never made such a statement, and he has never believed any such thing. He believes instead, and has told friends, that George Floyd was murdered by the police officer. He wishes that another police officer had saved Mr. Floyd's life and that such an act might have helped unite our country. Judge Jinks believes that the death of Mr. Floyd was a tragedy and that the person who caused Mr. Floyd's death must be held fully accountable. Judge Jinks is upset and bewildered that anyone would make such an accusation against him.

Use of or Allowance of Profanity

- o. You stated that you "got her ass told."

Judge Jinks has not made this comment either in the office or in a private conversation in his office. Ms. P has told Judge Jinks that B M, an employee who was dismissed at Ms. P insistence, often made such comments. Judge Jinks has not.

- p. You commented, "P is nothing but a damn bitch!"

Although he does not recall using the word "damn", Judge Jinks - in a private conversation with Ms. P - expressed his frustration with "P" using words similar to those in the allegation, and Ms. P appeared to agree. She responded by rolling her eyes and saying, "she is something else!" "P" is the county administrator and is an extraordinarily difficult person with whom to get along. Ms. P often complained about P, and Judge

Jinks has had significant run-ins with her. Judge Jinks' feelings about the county administrator are shared by many, if not most, of the people in the courthouse, including the members of her office. "P" has a large turnover in staff.

Ms. P did not tell Judge Jinks she felt his language was inappropriate under the circumstances, but he will refrain from any such language in the future.

q. You stated, 'I have heard that girl was nothing but a whore.'

In Judge Jinks' opinion, a young woman who worked in the courthouse dressed very inappropriately. Over time, her dress became even more inappropriate, and Judge Jinks asked Ms. D who the person was. In that conversation, Judge Jinks told Ms. D that he felt the woman dressed inappropriately for the courthouse and looked more "like a hooker". He did not use the word "whore, and he did not say she "was nothing but a whore". Judge Jinks did not know the woman and said nothing about her character. He recognizes now that he must be very careful about the language he uses, and he will do that in the future.

r. On or around August 27, 2020, in reference to the protest concerning police brutality, you declared, "Them sum-bitches need to quit burning shit down, you gone need something to burn after Trump gets re-elected."

This is another example of someone who eavesdropped on, or otherwise overheard, a private conversation Judge Jinks had on his personal cell phone in his office. In the conversation, Judge Jinks read to a friend a text he had just received. The text had a picture of Jackie Gleason in character as the sheriff in Smokey and the Bandit. What the person heard was a quote under the photograph of Jackie Gleason. The words were not those of Judge Jinks.

s. You watched videos of the recent riots that included use of the F-word

Judge Jinks is uncertain of to what the complaining party is referring. Judge Jinks does watch the news in his office, and on rare occasions, he turns up the volume so that he can hear what is said. He does not believe the volume was sufficiently loud for anyone to hear who was not trying to hear. In any event, what the complaining party heard was the news.

t. The stolen sandwich

Although this complaint is overstated, Judge Jinks did become upset about the stolen sandwich – perhaps too much so, but he was frustrated and had reason to be frustrated. Prior to the incident in the complaint, Judge Jinks had twice since taken office had his food taken from the office kitchen. Even though he was disturbed by what he considered a theft in the office, on neither occasion did he say anything about it. Then, on July 14, runoff election day, a day when no one leaves the office to eat, Judge Jinks received a call from an old friend, Ms. O H who asked Judge Jinks to meet her at her car in front of the courthouse. Ms. H cleans houses

for a living, and her hair was wet with sweat, and she clearly was tired. She told Judge Jinks she was just thinking about him and had brought him a BBQ sandwich and some corn and tomatoes she had just purchased at the local market. Judge Jinks felt this was an incredibly kind gesture, and he was moved by it.

Judge Jinks put the sandwich in the bag with the corn and placed the bag in the rear of the refrigerator. He even told staff members who were in the kitchen that the sandwich and corn were his. Although Judge Jinks helped Mr. P carry pans of food to Mr. P car that night, the refrigerator was not cleaned out, and Judge Jinks' food was in the refrigerator when he left work. The next day when Judge Jinks went to the refrigerator, the sandwich and corn were gone.

He felt this theft was different than the earlier two. Ms. H works hard to make a living, and she had been kind enough to think of Judge Jinks and to buy him a sandwich and share her produce with him. That kind of kindness means the world to Judge Jinks. Upon discovering this third theft, Judge Jinks did not throw anything. He did, however, say "someone got my damn sandwich", and he later said that someone taking his food aggravated the shit out of him. When an employee asked whether the bag was at the bottom of the refrigerator, Judge Jinks responded "no" and that whoever took his food knew it did not belong to them. In addition, when another employee later asked Judge Jinks whether he had cooled down, he responded "hell no, I'm still pissed, but I don't think we need to talk about it anymore."

This was the first time staff members who were present had seen Judge Jinks mad. Although because other staff members had also had their food taken, Judge Jinks wanted to have a staff meeting about the problem, Ms. P talked him out of it. He did, however, send an email to staff about what he considered to be a problem. In the email, he made no allegation against anyone individually, but rather said he was disappointed that someone in the office, or someone who had access to the office, would steal someone's act of kindness. He said it should not happen again to him or anyone else.

Inappropriate Physical Conduct

- u. When Ms. G was at Mr. P desk, on or around July 20, 2020, you squeezed through the confined space behind her, rubbing against her buttocks

Judge Jinks has no recollection at all of this event having occurred. It is true that parts of the office are limited in space, and that Mr. P and Ms. G, who are friends, often chat at the desk of one or the other of them, or in some other location within the office. If Judge Jinks ever had the need to pass by an area where Mr. P and Ms. G were talking, he did so without any intention of touching Ms. G or Mr. P.

- v. You stare at women's breasts.

Judge Jinks denies that he stares at women's breasts. The employee to whom Ms. P appears to be referring was let go because of accounting errors at the initiation of Ms. P and, to a lesser degree, Ms. D . If this employee, or anyone else, man or woman, wore a t-shirt at the office with something written on it, Judge Jinks may have read what was on the t-shirt, but he did not stare at the person's breasts.

After this employee left the probate office, she texted Judge Jinks asking for help relative to benefits she had not received, but to which she felt she was entitled. Judge Jinks assisted this former employee, and she finally received the claimed benefits.

w. You grabbed Ms. G by the arm and told her she would eventually get bored with her husband.

Judge Jinks did not grab Ms. G by the arm, and he did not ask her whether she was bored with her husband. During a down time at the office, there was a discussion about arguments between husbands and wives. In the context of that discussion, Judge Jinks asked Ms. G whether she and her husband argued much. She responded that they had never had an argument. Ms. D in response to the same question, said she and her present husband do not argue, but that her first marriage had enough arguments to cover both.

In that discussion, Judge Jinks related that his wife retired in February 2019, and cared for her mother for the next 14 months until her mother passed away. He then said that his wife now finds herself bored, meaning she needed to find something to do. He did not say he found his wife boring. The conversation was very different than that described in the complaint.

Other sexually inappropriate conduct

x. Video of a female dancing provocatively

Judge Jinks received a text from a relative of a video of a young woman wearing a t-shirt and bikini swimsuit dancing with a vacuum cleaner to a Michael Jackson song. Ms. D husband plays in a band. They are music people. Ms. D heard the music, walked into Judge Jinks' office uninvited, and said, "what are you listening too?" She was standing about 8 feet from Judge Jinks. He held the phone up and responded, "this video someone sent me." After no more than 3 seconds, Judge Jinks turned the phone around. He never asked Ms. D to look at the video or whether she wanted to see it. After Judge Jinks had turned the phone away from her, Ms. D said, "oh I don't care to watch that," and she walked back to her desk. The video was not vulgar.

Denigrating Comments about Court Personnel

y. You tell "fat" jokes and make such remarks as: . . . ,

Judge Jinks has never told a "fat" joke to a single staff person, and he has never made even one of the alleged statements to, or in the presence of, any staff member. He will also not do so in the future. If this is another case of eavesdropping, or overhearing a private conversation, the offended person heard the statements out of context and should, in any event, have closed Judge Jinks' door or asked Judge Jinks to do so.

- z. You stated to Ms. G [redacted] in the presence of her coworkers, that you had seen her high school photograph, you could not believe it was her, and "Dang, I done put on about 100 pounds."

While at poll worker's training, Judge Jinks saw Ms. G [redacted] high school portrait, but he is not the person who brought up the subject. Rather, Mr. P [redacted] initiated the discussion, saying "Judge saw your picture and didn't even recognize you." Judge Jinks responded that but for Mr. P [redacted] having pointed out the portrait to him, Judge Jinks probably would not have recognized Ms. G [redacted] because she had changed. She – not Judge Jinks - then said she had gained some weight. Ms. G [redacted] senior portrait showed her only from the shoulder level up, so Judge Jinks was unaware of her high school weight, and in any event would have said nothing about it to Ms. G [redacted].

- aa. [You demeaned Ms. G [redacted] grandfather]

To his knowledge, Judge Jinks has never known, and has never discussed with anyone, Ms. G [redacted] grandfather or grandmother. Who he did briefly discuss with Ms. G [redacted] is her husband's great grandfather, [redacted], and what Judge Jinks said has been badly mischaracterized. Mr. [redacted] and Judge Jinks were friends. But when Judge Jinks' father re-surveyed his land in the early 2000's, [redacted] was unhappy about what the survey showed, a fact about which Judge Jinks learned only in 2018. Because Judge Jinks liked [redacted] and always had, he asked Ms. G [redacted], who to Judge Jinks' memory had not yet married into [redacted] family, whether [redacted] was bitter toward him. Ms. G [redacted] said he was, and Judge Jinks simply made clear that that would not create any problem between him and Ms. G [redacted].

Judge Jinks also told Ms. G [redacted] that he had visited with [redacted], and he seemed frail. He might have mentioned that [redacted] house needed some attention, but he did not say it was "disgusting". In any event Judge Jinks' comment was intended to point out only that [redacted] had always kept his property up very well, but that it appeared his health was now preventing him from doing so. Ms. G [redacted] did say she would like to keep family matters separate from work, and Judge Jinks simply said he understood.

Judge Jinks did not say -- or feel - anything remotely like he did not care whether [redacted] died. The only reason Judge Jinks did not attend [redacted] funeral is that he did not learn of [redacted] passing until after the funeral had been held. According to Judge Jinks, [redacted] wife, [redacted], was a delightful woman, and he did not say or feel anything negative about her. Despite [redacted] upset about the land survey, Judge Jinks had nothing

but respect for _____, and as indicated above, he went out of his way to be kind to Ms. G _____ in connection with her marriage into _____ family.

II. You have continued to act inappropriately despite your chief clerk's intervention in early June 2020, expressing her concerns about some of your language, comments, and conduct being inappropriate and unprofessional.

As noted above at the end of the introduction to parts I-III of the complaint, Ms. P did not intervene in the way she represents in the complaint. Judge Jinks very much wishes that she had done so. Had Ms. P _____ or anyone else told Judge Jinks that his comments or conduct were offensive to staff members, or that anyone felt sexually harassed by him, or that he had said something that was racially or sexually insensitive and offensive, he would have responded in a serious manner and would have changed whatever needed to be changed.

III. Your comments and actions have affected the morale of the court staff; have intimidated and unnecessarily stressed them; and are offensive, disgusting, and belittling

The filing of this complaint is the first time Judge Jinks has been told that morale is bad in the probate office. As set forth above, that is not the way it has appeared to him. Although it is clear that much of this complaint is factually inaccurate, overstated, and the product of misunderstandings, Judge Jinks recognizes that perception is critically important. If morale is bad, Judge Jinks, after this complaint is finally resolved³, will work diligently to improve it – and dramatically so. This is another reason he wishes Ms. P _____, or anyone else, had in fact told him their feelings about the operation of the probate office. The complaint in this matter is literally the first time Judge Jinks has been confronted with the great majority of the allegations in the complaint.

Conclusion

If additional information is needed by the Commission, I will try to provide it. I understand that several witnesses have been questioned by the Commission, and although I could be wrong, it appears that this complaint is being handled on a somewhat expedited basis. For that reason, I request that all interviews be transcribed and provided to me as soon as possible, certainly well in advance of the Commission's December 11, 2020 meeting.

³Judge Jinks has been advised to avoid presently addressing the complaints with staff members.

Billy Bedsole, Esq.
November 12, 2020
Page 24

Thank you very much.

Sincerely,

A handwritten signature in black ink that reads "Bobby Segall". The signature is written in a cursive style with a large, looping initial "B".

Bobby Segall
John A. Henig, Jr.