

IN THE ALABAMA COURT OF THE JUDICIARY

**FILED**

**MAY 28 2021**

**COURT OF THE JUDICIARY**  
**Rebecca C. Oates**  
**Secretary**

IN THE MATTER OF:

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

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**CASE NO. 57**

**ORDER**

On April 20, 2021, the Judicial Inquiry Commission (“the Commission”) issued a subpoena for Judge Jinks’s attorney, Amanda Hardy, to testify at a deposition. Judge Jinks filed a Motion to Quash the subpoena. This Court entered an Order canceling the deposition pending argument by both parties. The Commission subsequently filed a Motion to Compel and Response to Motion to Quash and Judge Jinks filed another pre-hearing brief addressing this issue. After considering the pleadings of the parties and the argument of counsel during a hearing on May 12, 2012, the Court finds as follows:

The Commission asserts that attorney Hardy is a potential witness to several allegations in the complaint. Although the Commission did not specifically mention attorney Hardy in the complaint filed against Judge Jinks, she was apparently referred to as “another attorney” in at least one allegation and she may have witnessed some of the acts allegedly committed by Judge Jinks that form the basis of a portion of the complaint. It is clear that the failure to name an individual as a potential witness in the complaint does not preclude the Commission from calling unnamed individuals as witnesses in the trial of any case in this Court.

The Commission asserts that they have reason to believe that attorney Hardy is a necessary witness in this matter, but they cannot determine the importance or necessity of her potential testimony without deposing Hardy. Attorney Hardy can be deposed without being removed

as Judge Jinks's attorney. Conducting a pre-trial deposition of attorney Hardy will allow both parties, and the Court, to determine whether Hardy is a necessary witness without subjecting her to the uncertainty of potentially being called as a witness after the trial of this matter begins. Although Judge Jinks convincingly argues that his attorney is not a necessary witness regarding certain aspects of the complaint filed against him, it appears that attorney Hardy could be a necessary witness to other allegations in the complaint. Although Judge Jinks correctly argues that he could personally testify to some of the matters that attorney Hardy may have knowledge about, that does not make attorney Hardy unnecessary as a witness because the Commission cannot compel Judge Jinks to testify. See Rule 10, R.P. Ala. Ct. Jud. (providing that "no judge may be compelled to give evidence against himself").

Based on the foregoing, the Commission's Motion to Compel is **GRANTED**. The Commission will be allowed to depose attorney Hardy. Said deposition shall be held at the earliest time possible to allow a timely final disposition of this matter. At the deposition, attorney Hardy shall be questioned only regarding non-privileged information that she obtained before she represented Judge Jinks in this matter. Privileged information not subject to questioning will include attorney-client information between Judge Jinks and attorney Hardy as well as attorney-client information obtained by attorney Hardy during her representation of Rebecca Tanner, if attorney Hardy represented Tanner. If, following the deposition, the Commission or Judge Jinks believes that attorney Hardy is a necessary witness in the trial of this matter, an appropriate motion shall be filed with this Court within 7 days of the deposition.

ORDERED this the 28th day of May, 2021.

  
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J. William Cole  
Chief Judge  
Alabama Court of the Judiciary