

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:

TRACIE TODD  
CIRCUIT COURT JUDGE  
BIRMINGHAM DIVISION  
CRIMINAL DIVISION  
JEFFERSON COUNTY, AL

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CASE NO. 58

**FILED**

SEP 10 2021

COURT OF THE JUDICIARY  
Rebecca C. Oates  
Secretary

**ORDER GRANTING JUDGE TODD'S MOTION TO CONTINUE  
AND AMENDED SCHEDULING ORDER**

The Motion to Continue filed by Judge Todd on August 31, 2021, is hereby GRANTED. This case is reset for trial on November 15, 2021, at 10:00 a.m. in the courtroom of the Supreme Court of Alabama, third floor, Heflin-Torbert Judicial Building, 300 Dexter Avenue, Montgomery, Alabama.

The Complaint was filed in this matter on April 6, 2021. Judge Todd filed a Petition to Dismiss on April 19, 2021. A status conference was held on May 4, 2021, where the parties discussed various discovery matters and informed the court of the time needed to prepare for trial. This court denied Judge Todd's Petition to Dismiss on June 22, 2021. On July 2, 2021, Judge Todd filed a motion requesting that the court reconsider its denial of her Petition to Dismiss. The Motion to Reconsider was denied by the court on July 9, 2021.

The court entered its Order Setting Trial and Discovery Deadlines on August 25, 2021. That order set this matter for trial on October 18, 2021. On the same day, Attorney Anthony filed a motion requesting that the trial date be continued, asserting several conflicts with cases he has set for trial in various criminal courts. That motion was denied. On August 31, 2021, Attorney Anthony filed a motion to reconsider. A hearing on that motion was held on September 7, 2021.

At that hearing, Attorney Anthony represented to the court that, as of that date, there had been no attempts to engage in discovery. The parties have known since at least July 9, 2021, that this matter was proceeding to trial and have had ample time to begin the discovery process and to make trial preparations since that date.

Judge Todd has been disqualified from acting as a judge for over five months, causing delay of criminal cases in the 10<sup>th</sup> Judicial Circuit as other judges attempt to cover her docket while also attempting to dispose of cases on their own crowded dockets. That type of delay is one reason for the express goal in Rule 7, R. P. Ala. Ct. Judiciary, of “prompt disposition of the proceedings” in this court. The court has balanced that goal with providing the parties reasonable time to prepare for trial. Any delay by the parties in those preparations hinders this court in promptly disposing of this matter.

Despite the admitted delay in discovery and trial preparations, the court recognizes the conflicts that exist for both attorneys representing Judge Todd, and it agrees to grant the continuance. The court also agrees,

as a courtesy, to allow the parties more time to engage in discovery and to prepare for trial as set forth below. The parties should note that there will be no more continuances regarding the trial date.

The parties are to comply with the following amended scheduling order regarding any remaining discovery and the exchanging of witness lists and exhibits:

1. The parties are to submit its initial list of potential witnesses by September 17, 2021, at 5:00 p.m.
2. The parties are to complete all depositions by October 22, 2021.
3. The parties are to exchange copies of potential exhibits by October 30, 2021, at 5:00 p.m. The exhibits exchanged before trial are not required to include items used exclusively for rebuttal or impeachment purposes.
4. The parties are to complete all discovery by October 30, 2021.

The provisions of this scheduling order, other than the provision requiring that all discovery be completed by October 30, 2021, may be amended by agreement of the parties with notice to the court.

ORDERED this the 10<sup>th</sup> day of September, 2021.



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CHRISTY O. EDWARDS  
CHIEF JUDGE  
COURT OF THE JUDICIARY