

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

APR 21 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

**ORDER SETTING SCHEDULING CONFERENCE AND
BRIEFING ORDER ON JUDGE TODD'S PETITION TO DISMISS
COMPLAINT**

1. The Judicial Inquiry Commission (“the Commission”) has invoked this court’s jurisdiction by filing a complaint against Judge Tracie Todd, see Rules 1(e) and 3, R. P. Ala. Ct. Judiciary; see also Ala. Const. 1901, §§ 156(b) and 157(a). Judge Todd, “who is the subject of prosecution by the commission” based on the filing of such complaint, Rule 19, R. P. Ala. Jud. Inquiry Comm’n, has filed a “Petition to Dismiss” pursuant to that Rule. Judge Todd’s petition references a “settlement agreement” that she allegedly entered into with the Commission pursuant to Rule 10, R. P. Ala. Jud. Inquiry Comm’n. However, this court will not consider any proposed resolution of the charges until such has been presented to the court by joint motion. See Rule 10: see also Rule 16, R. P. Ala. Ct. Judiciary. This court, having not received such joint motion, will not, at this time, consider Judge Todd’s allegations regarding purported violations of any such resolution.
2. Regarding the other defenses raised in Judge Todd’s petition, Judge Todd is directed to file a brief in support of her arguments that the complaint is due to be dismissed on the grounds of condonation, laches, substantive due process, and procedural due

process. Judge Todd's brief in support is due 10 days from the date of this order. The Commission shall file a brief in response to Judge Todd's brief no later than 10 days from the filing of Judge Todd's brief.

3. In addition to the foregoing, counsel for Judge Todd and the Commission are directed to attend a scheduling conference to be held on May 4, 2021, at 2 p.m. in the Court of Civil Appeals Courtroom, 300 Dexter Avenue, Montgomery, Alabama. At such conference, counsel shall be prepared to discuss scheduling matters, including, without limitation, an estimate of the number of days counsel believes will be necessary to prepare for trial and will be necessary for the trial itself, and to discuss such other matters as may be necessary to expedite the final hearing and prompt disposition of the charges against Judge Todd. See Rules 7 and 8, R. P. Ala. Ct. Judiciary.

DONE this the 21st day of April, 2021.



CHRISTY O. EDWARDS
CHIEF JUDGE
COURT OF THE JUDICIARY