

State of Alabama Unified Judicial System  Form ARAP - 2      Rev. 2 / 92	<b>LETTER OF TRANSMITTAL OF NOTICE OF APPEAL TO APPELLATE CLERK BY TRIAL CLERK</b>	Appellate Case Number  COJ #60
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IN THE CIRCUIT COURT OF \_\_\_\_\_ ALABAMA COURT OF THE JUDICIARY \_\_\_\_\_ COUNTY, ALABAMA

APPELLANT	JUDGE NAKITA R. BLOCTON
V. APPELLEE	ALABAMA JUDICIAL INQUIRY COMMISSION

Civil Action Number COJ #60	Date of Judgment December 10, 2021	Date of Post - Judgment Order
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Written notice of appeal has been filed on the date indicated hereon (within 42 days from the entry of judgment or post-judgment order).

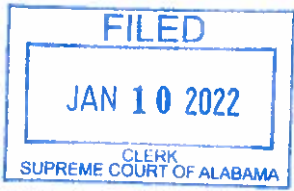
A certified copy of the written notice of appeal is forwarded herewith for filing with the Clerk of the (Supreme) Court (of Civil Appeals) along with the \$ 200 docket fee.

I certify that I have served a copy of this letter of transmittal along with a copy of the notice of appeal on each of the following:

1. Court Reporter      Ashley Lindsey (Cite Court Reporting)
2. Appellant's Counsel      Robert P. MacKenzie, III, Averie Armstead and Emory Anthony
3. Appellee's Counsel      R. Ashby Pate, Jack Sharman, Amber Hall and Elizabeth Bern

DATED this 10<sup>th</sup> day of January, 2022

*Nathaniel P. Wilson*  
\_\_\_\_\_  
Secretary, Court of the Judiciary



**Notice of  Appeal  Cross Appeal to the**  
 **SUPREME COURT OF ALABAMA**  
 **ALABAMA COURT OF CIVIL APPEALS**

IN THE \_\_\_\_\_ COURT OF THE JUDICIARY COUNTY, ALABAMA  
*(Circuit, District, or Juvenile)* *(Name of County)*

Civil Action Number:  
**COJ #60**

**APPELLANT(S):**  
**JUDGE NAKITA R. BLOCTON**

**FILED**

**JAN 10 2022**

ALABAMA COURT OF THE JUDICIARY  
**Nathan P. Wilson**  
Secretary

*[The name of each party appealing must be listed - see Rule 3(c), Alabama Rules of Appellate Procedure. Attach additional pages if necessary.]*

**V. APPELLEE(S):**  
**ALABAMA JUDICIAL INQUIRY COMMISSION**

*[The name of each party against whom appeal is taken must be listed - see Rule 3(c), Alabama Rules of Appellate Procedure. Attach additional pages if necessary.]*

**TRIAL JUDGE:** Hon. J. William Cole, Chief Judge of the Court of the Judiciary

**DATE OF JUDGMENT:**  
December 10, 2021

**DATE OF POST-JUDGMENT ORDER:**

Notice is Hereby Given that the above-named appellant(s) appeal(s) to the above-designated court from the  Final Judgment  
 Order of removal from the bench *(describe order)* entered in this cause.

**CHECK THE PROPER DESCRIPTION OF THE APPEALED CASE UNDER THE APPROPRIATE COURT:**

**SUPREME COURT OF ALABAMA**

- Summary judgment amount claimed more than \$50,000
- Judgment amount exceeds \$50,000
- Amount sought in trial court more than \$50,000, judgment for defendant
- Equitable relief, except for domestic relations
- Other: appealable directly to Supreme Court

**ALABAMA COURT OF CIVIL APPEALS**

- Summary judgment amount claimed \$50,000 or less
- Judgment amount \$50,000 or less
- Amount sought in trial court \$50,000 or less, judgment for defendant
- Workers' compensation
- Domestic relations
- Other:

**APPELLANT FILES WITH THIS NOTICE OF APPEAL:**

- Security for costs of appeal.
- A supersedeas bond in the amount of \$ \_\_\_\_\_
- Deposited cash security of \$ \_\_\_\_\_
- Is exempted by law from giving security for costs of appeal by virtue of \_\_\_\_\_

**FILED**  
**JAN 10 2022**  
CLERK  
SUPREME COURT OF ALABAMA

(Specify)

Filed \_\_\_\_\_  
*(Date)*

**R. Bernard Harwood, Jr.**

*(Name of Appellant or Attorney for Appellant)*

**2200 Jack Warner Parkway, Suite 200**

*(Address of Appellant or Attorney for Appellant)*

**Tuscaloosa AL 35401**

*(City) (State) (Zip)*

**205-344-5000**

*(Telephone Number)*

**bharwood@rosenharwood.com**

*(E-mail Address)*



*(Signature of Appellant or Attorney for Appellant)*

**CERTIFIED AS A TRUE COPY**

*(Certification is not required if the Notice of Appeal is filed electronically. See Rule 3(d)(3), Ala. R. App. P.)*

*(Signature of Nathan Wilson, Secretary, Court of the Judiciary)*

Notice of Appeal to the  Supreme Court of Alabama  Alabama Court of Civil Appeals

SECURITY FOR COSTS\*

We hereby acknowledge ourselves security for costs of appeal. For the payment of all costs secured by this undertaking, we hereby waive our right of exemption as to personal property under the Constitution and laws of the State of Alabama. Executed with our seals this

10th day of January, 2022 (Day) (Month) (Year)

Date Filed and Approved:

Nakita R. Blocton (Signature)

(Signature of Nakita R. Blocton Appellant-Principal (Printed Name)

(Signature of Secretary, Court of the Judiciary)

R. Bernard Harwood, Jr. (Signature) (Signature of R. Bernard Harwood, Jr., attorney for Appellant (Printed Name)

\*Note: If you are filing this Notice of Appeal electronically, the trial-court clerk's portion of the Security for Costs will be completed after the Notice of Appeal has been filed.

(Signature of Surety) (Printed Name)

DESIGNATION OF THE RECORD ON APPEAL

Appellant(s) request(s) the clerk of the trial court to include the following checked materials in the clerk's record:

- Complaint, Answer, Counterclaim, Cross-claim, Third-party complaint, Third-party answer, Motion to dismiss, Pretrial order, Entire record (less items set forth in Rule 10(a), Alabama Rules of Appellate Procedure), Motion for summary judgment, Opposition to motion for summary judgment, Final judgment/order, Motion for new trial, Ruling on motion for new trial, Others, Exhibit numbers

TRANSCRIPT STATUS

- Transcript will not be ordered. See Rule 10(b), Alabama Rules of Appellate Procedure. Transcript will be ordered. See Rules 10(b)(2) and 11(a)(2), Alabama Rules of Appellate Procedure.

Name and address of court reporter(s): Ashley Lindsey, Cite, LLC, P.O. Box 6173, Montgomery, AL 36106

Transcript has been ordered and a draft copy received from Cite.

NOTE: If more than one court reporter was involved in this case, you must file a Transcript Purchase Order Form in compliance with Rules 10(b)(2) and 11(a)(2), Alabama Rules of Appellate Procedure, and Form 1A or 1B.

CERTIFICATE OF FILING AND OF SERVICE

I certify I have this date filed electronically with the Clerk of the Court of Civil Appeals, in his role as Secretary of the Court of the Judiciary, the foregoing notice of appeal through the trial court electronic-filing system or that I have this date hand-filed the original and 1 copy of the foregoing notice of appeal (along with the \$200 docket fee) and such other instruments as have been completed and included herein. If I filed the notice of appeal electronically, I acknowledge that I must pay the \$200 docket fee directly to the appropriate appellate court clerk within seven (7) days. A true or electronic copy of each of these items will be served by the clerk of the trial court or by the trial court's electronic-filing system on each of the following: (1) the Clerk of the Supreme Court; (2) the court reporter; and (3) counsel for each appellee or the appellee if no counsel, as follows (provide names and addresses):

R. Ashby Pate, Jack Sharman, Amber Hall, Lightfoot, Franklin & White, LLC, 400 20th Street, North, Birmingham, AL 35203, and Elizabeth C. Bern, Attorney for the Commission, Alabama Judicial Inquiry Commission, P.O. Box 303400, Montgomery, AL 36130

I further certify pursuant to Rules 3(d), 25(d), and 57(h)(5), Alabama Rules of Appellate Procedure, that I have this date served a copy of this Notice of Appeal on each party to the proceedings in the trial court in the manner indicated below (attach additional pages if necessary):

Table with 3 columns: Name, Method of Service (AlaFile, US Mail, Hand Delivery, etc.), Service Address. Rows include R. Ashby Pate, Jack Sharman, Amber Hall, Elizabeth Bern.

\*If electronic service is selected, the e-mail address at which service was made via AlaFile must be listed as the service address.

Done on this 10th day of January, 2022 (Day) (Month) (Year)

R. Bernard Harwood, Jr. (Signature)

January 10, 2022

(Signature of Appellant or Attorney for Appellant) (R. Bernard Harwood, Jr.)

\*NOTE: If the Notice of Appeal is filed electronically, payment of the \$200 docket fee must be mailed or hand delivered to the attention of the clerk of the appropriate appellate court at 300 Dexter Avenue, Montgomery, AL 36104. The payment shall be accompanied by a means of identifying the appeal to which the payment is applicable. See Rule 35A(a)(1), Ala. R. App. P.

State of Alabama  
Unified Judicial System  
Form ARAP-25 (front) 10/2019

DOCKETING STATEMENT  
Appeal to the Alabama Court of  
Civil Appeals

Appellate Case Number  
(to be filled in by appellate court)

NOTE: COMPLETED CIVIL CASE COVER SHEET MUST BE ATTACHED

COUNTY COURT OF THE JUDICIARY CIVIL ACTION NUMBER COJ #60 TRIAL JUDGE Hon J. William Cole, as Chief Judge of the Court of the Judiciary

FILED

JAN 10 2022

PARTY FILING APPEAL (Appellant) :  
JUDGE NAKITA R. BLOCTON

v. PARTY APPEALED AGAINST (Appellee)  
ALABAMA JUDICIAL INQUIRY COMMISSION

ALABAMA COURT OF THE JUDICIARY  
Nathan P. Wilson  
Secretary

APPELLANT'S ATTORNEY: R. Bernard Harwood, Jr.  
Email: bharwood@rosenharwood.com Telephone Number 205-344-5000  
Address 2200 Jack Warner Parkway, Suite 200 City Tuscaloosa State AL Zip Code 35401

APPELLEE'S ATTORNEY: Elizabeth Bern See Addendum for additional Telephone Number  
Email: elizabeth.bern@jic.alabama.gov attorneys for Appellee 334-242-4089  
Address 401 Adams Avenue, Suite 720 City Montgomery State AL Zip Code 36104

TYPE OF APPEAL:  Appeal  Cross-Appeal

JURISDICTION (TYPE OF CASE): Please check the proper description of the appealed case:

- A  Summary Judgment, amount claimed equal to or less than \$ 50,000 E  Workmen's Compensation
- B  Judgment Amount equal to or less than \$ 50,000 F  Administrative Agency
- C  Amount Sought in trial court \$ 50,000 or less, judgment for defendant G  Juvenile
- D  Domestic Relations H  Other FINAL JUDGMENT

JURISDICTION (FINALITY): Date of entry of judgment appealed from: 12 10 2021  
Month Day Year

- 1. Is the judgment or order appealed from in compliance with Rule 58, Ala. R. Civ. P.?  Yes  No
- 2. Is the order or judgment appealed from a final judgment (i.e., does it dispose of the case as to all claims by all parties)?  Yes  No
- 3. If the judgment was not final, did the trial court direct the entry of a judgment pursuant to Rule 54(b), Ala. R. Civ. P.?  Yes  No
- 4. If judgment was entered pursuant to Rule 54(b), Ala. R. Civ. P., did the trial court expressly determine that there was no just reason for delay and expressly direct that judgment be entered?  Yes  No
- 5. If there is no final judgment or if there has not been full compliance with Rule 54(b), Ala. R. Civ. P., please explain the basis for seeking appellate review and cite the authority for the appeal:

POST-JUDGMENT MOTIONS: List all post-judgment motions by date of filing, type, and date of disposition (whether by trial court order or by the provisions of Rule 59.1, Ala. R. Civ. P.):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year
January	10	2022	Motion for Reconsideration and Motion to Alter, Amend or Vacate Judgment	pending		

FILED  
JAN 10 2022  
C.L.H.  
SUPREME COURT OF ALABAMA

**DOCKETING STATEMENT Appeal to the Court of Civil Appeals**

CONSTITUTIONAL ISSUES: 1. Are the provisions of Rule 44, Ala. R. App. P., applicable to this appeal?  Yes  No  
 2. If so, have the provisions been complied with?  Yes  No

**NATURE OF CASE ON APPEAL:** In the left column of boxes preceding the categories listed below, check the box (check only one) that best describes or categorizes the basis or theory of the primary issue on appeal. In the right column of boxes, check any secondary theories that are applicable to the suit. These topics need to be checked only if the issues on appeal vary from the information supplied in the same columns on the civil case "cover sheet" filed in the trial court.

<b>TORTS – Personal Injury</b> A <input type="checkbox"/> Bad Faith B <input type="checkbox"/> Fraud C <input type="checkbox"/> Legal Malpractice D <input type="checkbox"/> Med. Malpractice E <input type="checkbox"/> Other Malpractice F <input type="checkbox"/> Products/AEMLD G <input type="checkbox"/> Gen. Negligence H <input type="checkbox"/> Vehicular Negligence I <input type="checkbox"/> Other _____	<b>TORTS – Property Damage</b> J <input type="checkbox"/> Personality K <input type="checkbox"/> Realty <b>CONTRACTS</b> L <input type="checkbox"/> Commercial M <input type="checkbox"/> Personal N <input type="checkbox"/> Pension O <input type="checkbox"/> Insurance P <input type="checkbox"/> Employment Q <input type="checkbox"/> Other _____	R <input type="checkbox"/> REAL PROPERTY S <input type="checkbox"/> CIV RTS: Prisoner T <input type="checkbox"/> CIV RTS: Other U <input type="checkbox"/> Other _____ FINAL JUDGMENT <b>EQUITY/Non-Damages Action</b> V <input type="checkbox"/> Domestic Relations W <input type="checkbox"/> Declar. Judgment X <input type="checkbox"/> Injunc. Commercial Y <input type="checkbox"/> Injunc. Employment	Z <input type="checkbox"/> Injunc. Other 1 <input type="checkbox"/> Extrad. Writ 2 <input checked="" type="checkbox"/> Other <u>COURT OF JUDICIARY APPEAL</u> <b>STATUTES/RULES</b> 3 <input type="checkbox"/> Admin. Agency 4 <input type="checkbox"/> Term. Parental Rts. 5 <input type="checkbox"/> Workmen's Comp. 6 <input type="checkbox"/> Wrongful Death 7 <input type="checkbox"/> Other: _____
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IF THE CASE WENT TO TRIAL, HOW MANY DAYS DID THE TRIAL TAKE? 3 DAYS

**BRIEFLY SUMMARIZE THE ISSUE(S) ON APPEAL. THIS INFORMATION IS FOR CASE PROCESSING AND STATISTICAL PURPOSES ONLY.**

The Appellant believes the judgment of the Court of the Judiciary, separately and severally as to each of its eight findings of violations of the Alabama Canons of Judicial Ethics specified therein was not supported by clear and convincing evidence, as required by law. In that regard, the Court erred in overruling Appellant's Motion for Judgment as a Matter of Law filed at the close of the Appellee's case and at the close of all of the evidence. Additionally, the punishment given was excessive under the circumstances.

**WITHOUT ARGUMENT, BRIEFLY SUMMARIZE THE FACTS TO INFORM THE COURT OF THE NATURE OF THE CASE. THIS INFORMATION IS FOR CASE PROCESSING AND STATISTICAL PURPOSES ONLY.**

Judge Nakita R. Blocton was charged with violations of the Judicial Canons of Judicial Ethics and a three-day trial was completed on December 9, 2021 before the Alabama Court of the Judiciary. Judge Blocton was found to have violated eight of the Canons or Canon subparts. The Court of the Judiciary imposed the most severe sanction available - removal from office. The finding by the Court of a violation of the Canons of Judicial Ethics based on certain disparaging comments by Appellant, a sitting circuit judge, to a confidential staff member about another judge, intended to be totally private, violates Appellant's First Amendment rights of free speech.

**SETTLEMENT CONFERENCE:** The court may require that this appeal be subject to a moderated settlement conference. Do you think the case on appeal would be appropriate for such a conference?  Yes  No

Explain: There are options available for resolution.

Date of Filing of the Notice of Appeal: January 10, 2022

January 10, 2022  
Date

  
Signature of Attorney / Party Filing this Form

**Certificate of Service**

I certify I have this date filed electronically with the clerk of the trial court the foregoing docketing statement through the trial court electronic-filing system or that I have this date hand-filed the original and 1 (number) copies of the foregoing docketing statement. A true or electronic copy of the docketing statement will be served by the clerk of the trial court or by the trial court's electronic-filing system on each of the following: (1) the clerk of the appellate court; (2) the court reporter; and (3) attorney for each appellee or the appellee if no attorney as follows (provide names and addresses): R. Ashby Pate, Jack Sharman, Amber Hall, Lightfoot Franklin & White, LLC, 400 20th Street, North, Birmingham, AL 35203; and Elizabeth C. Bern, Attorney for the Commission, Alabama Judicial Inquiry Commission, P.O. Box 303400, Montgomery, AL 36130

I further certify pursuant to Rules 3(d), 25(d), and 57(h)(5), Ala. R. App. P., that I have this date served a copy of this Notice of Appeal on each party to the proceedings in the trial court in the manner indicated below (attach additional pages if necessary):

Name of Party	Method of Service (US Mail, AlaFile, etc.)	Service Address
<u>R. Ashby Pate</u>	<u>email</u>	<u>apate@lightfootlaw.com</u>
<u>Jack Sharman</u>	<u>email</u>	<u>jsharman@lightfootlaw.com</u>
<u>Amber Hall</u>	<u>email</u>	<u>ahall@lightfootlaw.com</u>
<u>Elizabeth Bern</u>	<u>email</u>	<u>elizabeth.bern@jic.alabama.gov</u>

\*If electronic service is selected, the e-mail address at which service was made via AlaFile must be listed as the service address.

(Signature of Appellant or Attorney for Appellant)

(R. Bernard Harwood, Jr.)

Date: January 10, 2022

## **Addendum to Docketing Statement**

R. Ashby Pate  
Jack Sharman  
Amber Hall  
Lightfoot Franklin & White, LLC  
400 20<sup>th</sup> Street, North  
Birmingham, AL 35203  
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