

IN THE ALABAMA COURT OF THE JUDICIARY

IN THE MATTER OF:

NAKITA BLOCTON
CIRCUIT JUDGE,
BIRMINGHAM DIVISION
DOMESTIC RELATIONS
DIVISION
JEFFERSON COUNTY, AL

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CASE NO. _____

FILED

MAY 14 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

MODIFIED COMPLAINT

The Judicial Inquiry Commission (hereinafter “the Commission”) hereby files this Complaint against Judge Nakita Blocton (hereinafter “Judge Blocton”), Circuit Judge in the Tenth Judicial Circuit, Birmingham Division, Domestic Relations Division, Jefferson County, Alabama. The Commission alleges and charges as follows:

I. INTRODUCTION

1. Judge Blocton took office as Circuit Court Judge in Jefferson County, Alabama, in January 2017.

2. Since that time, Judge Blocton has failed to observe the high standards of conduct required to preserve the integrity and independence of the judiciary; she has failed to avoid impropriety and the appearance of impropriety in all of her activities, including failing to respect and

comply with the law and failing to conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary; she has failed to maintain the decorum and temperance befitting her office and has failed to avoid conduct prejudicial to the administration of justice; and she has failed to perform the duties of her office impartially and diligently, including failing to be patient, dignified, and courteous to litigants, witnesses, lawyers, and others with whom she has dealt in her official capacity, including initiating ex parte communications with litigants and lawyers, and including failing to promptly dispose of the business of the court.

3. Specifically, this Complaint alleges that Judge Blocton has violated Canons 1, 2, and 3 of the Alabama Canons of Judicial Ethics by engaging in the following activities—all of which fail to preserve the integrity of the judiciary, are prejudicial to the administration of justice, and bring her judicial office into disrepute.

II. FACTUAL ALLEGATIONS¹

A. Pattern of Ex Parte Communications and Other Inappropriate Communications

4. Judge Blocton has exhibited a pattern and practice of engaging in ex parte communications with lawyers and litigants, both telephonically and through the use of numerous Facebook aliases. She has communicated (or caused to be communicated) information concerning litigants' cases and information concerning litigants' complaints against her with the Commission.

5. She has made (or caused to be made) numerous threats, slurs, and improper comments to staff, lawyers, and litigants concerning cases

¹ The facts alleged herein include facts for the Court's determination of the appropriate sanction(s) should the Court find Judge Blocton in fact violated the Alabama Canons of Judicial Ethics. Including such facts is necessary because Court of the Judiciary proceedings are not bifurcated, i.e., the parties do not have an opportunity to present evidence and argument in a separate sanctions hearing. Accordingly, inclusion best serves the purposes of judicial discipline, which are not to punish the judge but to preserve the integrity of the judicial system; restore public confidence in the system to assure the public that unethical judicial conduct is not tolerated nor condoned; and, when necessary, safeguard the bench, court staff, and the public from those who are unfit to serve. See C. Gray, *A Study of State Judicial Discipline Sanctions* 3, https://www.ncsc.org/__data/assets/pdf_file/0026/18881/study-of-state-judicial-discipline-sanctions.pdf (Am. Judicature Society 2002). See also *id.* at 4-5, "Removing an Elected Judge."

in front of her, concerning litigants in front of her, and concerning fellow judges with whom she works.

6. Judge Blocton—or someone at her direction—used Facebook aliases, including, but not limited to, those of “Linda Schneider,” “Camellia Williams,” and “Jennifer Foster,” to communicate inappropriately with Victor Sims and Angelik Sims, both of whom were litigants in a divorce case before Judge Blocton and later before another Judge in Jefferson County.

7. These communications begin around August 21, 2020. This was shortly after Angelik Sims filed a complaint against Judge Blocton with the Commission and had begun publicly protesting about Judge Blocton and asking for her removal from the bench. These communications are voluminous, consist of hundreds of pages of conversations, and contain confidential information that would only be known by Judge Blocton or someone acting at her direction. The communications are threatening to Ms. Sims, who had just filed a complaint against Judge Blocton, and purport to provide legal advice to Victor Sims in his divorce case against Angelik Sims.

8. These improper communications include statements to Angelik Sims. like:

a. “False Prophet How Much is Your White Judge Paying You.”

b. “Because you have prophesied when I did not send you, and because you caused my people to believe in a lie, you and your descendants will be punished.”

c. “THE DEVIL IS WATCHING U, PAM, ANGELA AND THE PEOPLE BEHIND U/U PLY WIT GOD I PLY WIT THE DEVIL/LEAVE THOSE BLACK WOMEN DEMOCRATS ALONE OR THE DEVIL IS GOING TO GET U.”

9. These improper communications include statements to Victor Sims like:

a. “That means they ass better have some good shit because Blocton is hell and heavily connected and can fuck them up on or off the bench Everybody is saying Judge Durward ass has fucked up as it is Blocton she needs if she wants to keep that seat in 2022 election.”

b. "Blocton straight asked French and French said she did talk with Stephens and Blocton told her because Stephens is telling all the lawyers she had no fucking knowledge that the DR Bar was coming after French."

c. "They got your attorney and the GAL with old shit at the end of last week shit that was dead and threatening to take their licenses. Your attorney wasn't just passionate she was mad as fuck!" and

d. "The only thing that can fuck it up is if y'all let Durward finish this rehearing she will enter an Order throwing them all under bus. The hearing must stop before Angelik can get in the record that she had that visitation. Durward never reduced it to an Order her hands would be tied with Angelik still on the stand and you not testifying there is nothing to support giving Angelik custody as the record only shows she hasn't done anything either judge has ordered."

10. Judge Blocton told Lisa Jackson ² that Judge Blocton had used an alias to “leak information” regarding Judge Stephens to Angelik Sims through her cousin.

11. Numerous attorneys in the domestic relations bar had been “friended” by at least two of the alleged aliases—“Camellia Williams” and “Linda Schneider.” One attorney noted that, during COVID-19, the Linda Schneider account was deactivated—and when it was reactivated, that same account appeared with the name “Camellia Williams.”

12. Judge Blocton told Lisa Jackson that she has had at least six aliases, and that she used those aliases particularly with respect to Angelik Sims via Facebook because she did not like Angelik Sims. ³

13. In August 2020, during a “courtesy” visit by Jefferson County Deputy Sheriff and FBI Task Force Investigator Jude Washington to warn Judge Blocton of strange complaints made by Angelik Sims to the FBI regarding Judge Blocton’s alleged use of Facebook aliases, Judge Blocton spoke incessantly to Mr. Washington for nearly an hour. After

² Lisa Jackson worked for Judge Blocton September 16, 2020 through November 18, 2020.

³ Implicit in all allegations regarding any oral statement in this Complaint is “or any words to that effect.”

discussing the Facebook aliases with Judge Blocton, Judge Blocton became agitated and defensive, and adamantly denied using those aliases.

14. Unbeknownst to Judge Blocton, Mr. Washington had visited the Facebook alias page of “Jennifer Foster” prior to their meeting. Within an hour of leaving that meeting, he re-checked the “Jennifer Foster” page and noticed it had just been taken down.

15. Despite having known Mr. Washington’s credentials (because she had known him for many years), Judge Blocton later complained to the FBI about his visit, accusing him of being a “fake investigator.” She directed her staff not to let him back in her chambers.

16. Following Judge Washington’s visit, Judge Blocton telephoned and texted Mr. Washington numerous times, including once on a Saturday, rambling on and on about the same topics for over an hour and a half. She spoke to him as if the two did not know one another.

17. Shortly after the “Jennifer Foster” page was taken down, Judge Blocton, or someone at her direction, began feeding information to Victor Sims by way of a new page operated by another alias, “Camellia Williams.” The alias “Camellia Williams” happened to know very specific

details regarding Jude Washington's visit to Judge Blocton (even though no one else was in the room with Judge Blocton and Mr. Washington during his visit).

18. Such specific details revealed by "Camellia Williams" to Victor Sims include:

"They sent a Loaner they claim was sent by FBI Tuscaloosa to talk to Blocton about Jennifer [Foster] but he told Blocton it was concerning a potential threat to her life. Blocton is connected and they didn't know until he was immediately contacted by his first FBI Command who verified that he's never heard anything about a threat to Blocton and was going to call the guy who is just a loaner to find out what he was really investigating in the name of the FBI. Word is all the guy did was talk about you but Blocton did not know you outside of the hearing and what you did for a living never came up in the hearing with Blocton who only became aware that you worked for Homewood on Angelik's posts. They say you are well known and think Blocton knew you when she had never heard of you or your wife before she heard your case and had no knowledge of you being a detective or the Homewood matter. They think Blocton knows more but she does not. They say this Jude Washington all he did was talk about you and the Homewood investigation and barely mentioned Angelik or any type of threat which made Blocton suspicious and caused her to reach out to her FBI contacts. He did not know Blocton had contacts at the FBI that already told her the week before that Angelik had been to the Birmingham NOT Tuscaloosa location and it was about the children not anything on FB or any threat to Blocton. Plus the ground already told Blocton the guy was really looking for something else. Do you know this Jude Washington guy?"

19. Judge Blocton also engaged in telephonic ex parte communications with lawyers, including but not limited to, telling one attorney how to “fix her filing” and how Judge Blocton would rule if a motion to stay was filed in her Court.

20. In February 2021, Demetria Doughty who is an old friend to Judge Blocton came to work for Judge Blocton at Judge Blocton’s behest. She worked for her for less than a week, during which time Judge Blocton never trained her to do any actual legal work, spoke incessantly about a Commission investigation, and sent her numerous inappropriate text messages, including disparaging comments about Judge Blocton’s fellow judges, such as: “Pat is the devil. Don’t let that smiling face trick you.” And “Pat is the biggest smiling sell out I have ever fucking met.”

B. Pattern of Abuse of Staff

21. Beginning when she took office in 2017, Judge Blocton has consistently engaged in abuse of her staff.⁴

⁴ See *Inquiry Concerning a Judge (Shea)*, 759 So.2d 631 (Fla. 2000) (removal of judge warranted for engaging in a pattern of hostility and antagonistic behavior towards lawyers, court staff, and other judges); *In re Goshgarian*, Order (Ill. Courts Comm’n, Nov. 18, 1999) (judge suspended for criticizing a juror, using profanity in court towards a lawyer, retaliating against a court reporter, and using profanity when referring to members of the judiciary); *In re Flournoy*, 990 P.2d 642 (Ariz.

22. Paul Franklin, a former employee in 2017, described Judge Blocton as being verbally abusive and caustic to staff, even calling staff names.

23. Since 2017, Judge Blocton has required her staff to work unreasonable hours with short notice and with the explicit threat that if they did not, they would be fired that day.

24. Judge Blocton has had an inordinate amount of turnover in her judicial staff since she took office in 2017, due to her abusive and erratic behavior, and forcing staff to work long hours.

25. Some examples of Judge Blocton's pattern of abuse to her staff include, but are not limited, to the following:

a. In October 2020, Judge Blocton snatched Lisa Jackson's personal cell phone out of her hands and demanded to examine its contents. She behaved threateningly and erratically towards Lisa Jackson.

b. In November 2020, Judge Blocton mockingly placed a "gold star" on Lisa Jackson's clothing after she berated Ms. Jackson

1999) (judge suspended for shouting at lawyers and litigants, belittling lawyers in front of clients, and demeaning and threatening the court clerk).

for not appropriately correcting an order. Judge Blocton told Lisa Jackson to “shut the hell up.” When Ms. Jackson tried to leave, Judge Blocton attempted to block her from doing so.

c. On November 21, 2020, Judge Blocton took Maylynn Torres-Smith’s cell phone and refused to give it back. She then made a comment that she should fire both Ms. Torres-Smith and Ms. Jackson.

d. Judge Blocton has forced her staff, including Ms. Torres-Smith and Ms. Jackson, to take Phentermine (a diet pill) on at least one occasion, despite their requests not to be forced to take them. She insisted they take them to “pep” them up after having worked late the evening before.

e. Judge Blocton routinely threatened to fire Lisa Jackson and Maylynn Torres-Smith.

C. Pattern of Abuse, Bias, and Favoritism of Attorneys and Litigants

26. Judge Blocton has exhibited a pattern of abuse to attorneys and litigants, including bias and retaliation, as well as a pattern of favoritism.

27. Judge Blocton has exhibited a pattern and practice of retaliation, including, when an attorney calls to inquire about the status of pending orders in his or her case, Judge Blocton instructs her staff to put that attorney's case on "the bottom of the stack."

28. Judge Blocton has stated to staff that she keeps a mental list of disfavored and favored attorneys, and she routinely and intentionally delays ruling on cases in which disfavored attorneys are involved. *See* para. 19, for additional incident of favoritism.

29. Judge Blocton routinely keeps attorneys and litigants, including children, at the courthouse (or on virtual hearings) until late at night and/or for unnecessarily lengthy hearings. Her simple status conferences last hours, and she refuses to let the attorneys leave, even for personal reasons.

30. Some additional examples of Judge Blocton's abuse to attorneys and litigants include, but are not limited to, the following.

a. In *Crain v. Crain*, DR-2019-000157, Judge Blocton spent much of the pretrial conference rambling about her case workload and wasting valuable time of the lawyers and litigants.

b. According to an attorney who tried two cases to completion in 2017, Judge Blocton kept the parties in court in both cases from 9 a.m. to 9 p.m.

c. In May 2019, an attorney had petitioned Judge Blocton for a continuance of a trial because the attorney had flu-related symptoms. Despite the attorney presenting Judge Blocton with a doctor's note, Judge Blocton called the attorney's doctor from the bench in open court with other attorneys present to confirm the diagnosis, and Judge Blocton proceeded to discuss the attorney's condition, in clear violation of HIPAA rules. Judge Blocton refused to continue the hearing and required one of the attorney's associates to try the case, even though the associate had no familiarity with it. The case settled prior to trial.

d. In July 2019, in a trial in *Shears v. Shears*, DR-2016-900064, Judge Blocton yelled at people for issues unrelated to the trial and spent hours unnecessarily talking from the bench, including merely "casually talking."

e. In September 2019, Judge Blocton berated an attorney for needing to use the restroom during the trial of *Jones v. Jones*, DR-2017-901321.

f. On November 21, 2020, one of the parties in *Dunbar v. Dunbar*, DR-2019-900005, called Judge Blocton's chambers because there had been over a one-year delay on the issuance of a final order. After her assistant, Maylynn Torres-Smith, relayed the message to Judge Blocton, Judge Blocton called that party's lawyer. The phone call lasted one hour and 52 minutes, during which time Judge Blocton acted rudely and disrespectfully to the attorney because the client had called, reduced the attorney to tears, and demanded that the attorney plead for Ms. Torres-Smith to keep her job.

31. Since the COVID-19 pandemic began, Judge Blocton consistently ignored the COVID-19 protocols at the Jefferson County Courthouse, including requiring staff to be in chambers with her and requiring lawyers to appear in person for hearings during a time when Judge Blocton had been exposed daily to COVID-19, as a caregiver for a family member with the virus. She also required staff to come to work

when staff should have quarantined due to exposure, in violation of the court protocols.

D. Pattern of Inordinate Delay

32. Judge Blocton has exhibited a pattern of inordinate delay in issuing rulings, final judgments, and in otherwise disposing of her caseload.

33. When Judge Blocton took the bench in 2017, she inherited approximately 425-450 cases, which is considered a manageable caseload. This number nearly doubled in 2017-2018.

34. Long before the COVID-19 public health crisis began, and well before Judge Blocton endured the traumatic loss of her father to COVID-19 in March of 2020, which was followed by the unexpected death of her grandfather, numerous attorneys in the domestic relations bar have asserted that her chambers was “chaos” and “poorly supervised.”

35. Paul Franklin, an employee of Judge Blocton in 2017, testified that her chambers were disorganized from the beginning of her term, and despite numerous attempts to create a more organized system for disposing of cases, Judge Blocton was unable to manage her caseload and was a poor supervisor.

36. Since at least 2018, Judge Blocton has routinely failed—for months and even years—to issue final judgments in uncontested divorces, many of which involve critical spousal support and child custody issues.⁵

37. Since at least 2018, Judge Blocton has failed to issue findings of fact, conclusions of law, and final judgments in a timely fashion in completed bench trials.

38. Some examples include, but are not limited to, the following:

⁵ The Court of Civil Appeals recently reiterated the particular importance of timely rulings in cases in family court:

[T]he public places great confidence in judges to act with integrity in discharging their judicial duties. *See, generally, Ex parte Hall*, [Ms. 1180976, Nov. 6, 2020] ___ So. 3d ___ (Ala. 2020). In particular, in cases involving the delicate matter of the custody of children, any delay in disposing of such cases is contrary to the children's best interests, *see Durham v. Sisk*, 628 So. 2d 873, 875 (Ala. Civ. App. 1993) (“The consequences of delaying the opportunity for correction of child custody problems could include preventable damage to a child's well-being, physically, emotionally, or otherwise.”), and should be steadfastly avoided in future cases.

Ex parte Taylor, No. 2200379 (Apr. 2, 2021). *See also In the Matter of Anita Kelly*, COJ No. 50 (May 11, 2018) (Circuit Judge Anita Kelly, a family court judge, suspended for 180 days without pay for pattern and practice of failing or refusing to timely enter orders; to complete trials; to manage court dockets to decide pending matters in a timely manner; to take care of the business of the court in a timely, prompt, and efficient manner; and to submit accurate and timely reports required under Canon 3A(5).

a. In November 2020, there had been over a one-year delay on a final order in *Dunbar v. Dunbar*, DR-2019-900006. This delay in issuance of a final order caused substantial hardship to the litigants, including having to hire a private judge.

b. In *Palmer v. Palmer*, DR-2018-900964, trial was completed in May 2019, and proposed orders were submitted by the parties in June 2019, but no judgment has been entered to date. On April 29, 2021 the parties requested a private judge, and the case was assigned to Julie Palmer for disposition.

39. Other cases in which inordinate delay has occurred in the entry of a final judgment include, but are not limited to, the following:

a. Parties have waited two years and are still presently waiting for a final order in *Anderson v. Anderson*, DR-2016-901808.01 (parties entered agreement in open court on April 29, 2019; proposed ordered submitted on May 21, 2019);

b. *Eargle v. Jones*, DR-2019-000169 (parties submitted final documents and proposed order on December 10, 2019; on September 14, 2020, the Court notified the parties that they should file certain corrected/complete documents; the parties made an

additional submission, but the Court issued a notice of rejection on October 29, 2020; the parties corrected the deficiency and final judgment was entered the same day);

c. *Flute v. Flute*, DR-2012-1023.01 (agreement was filed on April 12, 2019; no final order on petition for modification has been entered);

d. *Gasparetto v. Gasparetto*, DR-2016-901434.01/.02 (proposed order submitted September 30, 2019; final order on modification petitions was entered April 16, 2021 by another judge);

e. *Glenn v. Glenn*, DR-2017-901463 (trial concluded July 8, 2019; each party submitted a proposed order within 30 days as directed; the parties have each subsequently filed requests for ruling by the court; no final judgment entered);

f. *Godsey v. James*, DR-2017-901432 (proposed orders submitted by each party in August 2019; final order entered April 2021 by another judge);

g. *Kamendi v. Gioko*, DR-2012-900539.04 (emergency motion filed November 17, 2020; hearing held December 15, 2020;

no ruling entered; Defendant died in February 2021; case dismissed April 2021 by another judge);

h. *Louis-Jeune v. Louis-Jeune*, DR-2014-900826.01 (modification petition heard and proposed order filed November 18, 2019; final order entered October 12, 2020);

i. *McLain v. McLain*, DR-2019-901279 (default entered October 16, 2019; application for default judgment heard November 13, 2019; proposed order submitted March 2, 2020; motion to enter final judgment filed October 7, 2020; final judgment entered December 30, 2020);

j. *Plummer v. Plummer*, DR-2012-900187.01 (modification issues settled in open court on February 20, 2020; proposed order and motion to enter final judgment filed July 22, 2020; emergency motions regarding visitation filed in October and November which were set for hearing on December 30, 2020, pursuant to an order entered December 24, 2020; hearing continued at request of party due to insufficiency of notice; reset to February 28, 2021; joint petition for private judge was filed on January 20, 2021, and it was

granted by Presiding Judge French on January 21, 2021; matter is still active);

k. *Shears v. Shears*, DR-2016-900064 (case settled in July 2019 after several days of trial; memorandum agreement was filed July 26, 2019; proposed order submitted August 16, 2019; parties submitted additional memorandum agreement on October 5, 2020; on December 9, 2020, plaintiff filed a petition for writ of mandamus with the Alabama Court of Civil Appeals due to the delay; final judgment was entered on January 25, 2021); and

l. *Turner v. Turner*, DR-2018-900044 (parties submitted a memorandum agreement on November 20, 2019, and a proposed order on December 5, 2019; final judgment of divorce was entered March 15, 2021 by another judge).

40. Attorneys frequently call Judge Blocton's staff and complain about delays.

41. Considering all the examples above, and other inordinate delays not listed herein, Judge Blocton has failed to manage her court business in a timely and efficient manner by unreasonably delaying rulings on standard motions, failing or refusing to establish an effective

system of review of pending matters to expeditiously move cases through the court, and failing or refusing to promptly conclude matters on her docket.

42. Judge Blocton had been on notice of these inordinate delays for years, as evidenced by attorneys consistently calling her chambers to inquire about the status of their cases; attorneys filing motions for a ruling; and numerous parties and litigants opting to hire private judges for the disposition of their cases.

43. Upon information and belief, Judge Blocton failed to file accurate reports with the Administrative Office of Courts, as required every six months under Canon 3A(5) of the Canons of Judicial Ethics (“six months reports”).

E. Appearance of Drug Use and/or Mental Instability

44. Judge Blocton has used and been under the influence of prescription pills in her chambers, including, but not limited to, Phentermine (a diet pill).⁶

⁶ The Commission does not have the authority to require a judge to provide his or her medical records to the Commission or to submit to a medical or psychological examination. In addition, “[t]he nature of a judge’s misconduct does not change merely because the misconduct was a result of a mental condition, and a judge cannot escape discipline by

45. These pills created behavioral changes in Judge Blocton while she was performing her judicial duties, including but not limited to, becoming hyper-talkative and hyper-somnolent in chambers and on the bench, and exhibiting paranoid behavior, such as talking in circles about the same the topic for hours and expressing a belief that the Commission or someone at its direction is “going to kill her.”

46. Judge Blocton has also consistently stayed at the courthouse overnight, presumably trying to work, and has told others that she does not sleep for days at a time.

47. Since receiving notice of the Commission’s investigation, Judge Blocton has exhibited paranoia. For example, she or someone at her direction informed Victor Sims in numerous Facebook messages that people, including her fellow judges, were out to get in her in a political “hit job” and engaging in a scheme that she consistently referred to as “the play.” Further, she stated to Maylynn Torres- Smith that the Commission or someone at its direction is “going to kill her.”

urging that her misconduct was the result of such a condition.” *See In re Jett*, 882 P.2d 414, 417 (Ariz. 1994).

F. Pattern of Dishonesty and Deception, Including Trying to Influence Commission’s Investigation

48. Judge Blocton has exhibited a pattern of dishonesty and deception.

49. Judge Blocton has used her multiple Facebook aliases to facilitate her dishonesty and deceptions. *See e.g.*, paras. 4 -19 *supra*.

50. In October 2020, Judge Blocton drafted an email or letter from “Linda Schneider” to a financial institution at the behest of her cousin, “D,” who was trying to get a mortgage. He needed to explain to the mortgage broker the source of roughly \$700 of funds in an account. Judge Blocton drafted correspondence that stated that “Linda Schneider” was the source of the funds and that those funds were for reimbursement to “D” for building materials he had purchased. She printed it and instructed Lisa Jackson to review it. When Ms. Jackson questioned Judge Blocton about the propriety of the correspondence, Judge Blocton told her just to proofread it and send it back to her, which Ms. Jackson did.

51. Judge Blocton has ordered her staff to perpetuate deceptions and falsehoods. Examples include, but are not limited to, the following:

a. Judge Blocton instructed Maylynn Torres-Smith to make unauthorized and improper campaign contributions in the amount of \$200 through Venmo to Daryl Williams's mayoral campaign. Judge Blocton told her that the money was for a campaign contribution but instructed her to indicate on the Venmo app that the money was for "truck tires." Judge Blocton then reimbursed Ms. Torres-Smith the \$200.

b. Judge Blocton also instructed Maylynn Torres-Smith to make other contributions using funds provided by Judge Blocton to other fundraisers and causes, as a means of masking Judge Blocton's identity.

c. Judge Blocton instructed Lisa Jackson to lie to the Commission staff regarding why her response to a previous complaint filed with the Commission against her was delayed, i.e., to state that Judge Blocton's response would be late because she (Lisa Jackson) was trying to e-mail it to the Commission, but it was too large to email. This was false because her response was not completed at that time.

52. When the Presiding Judge questioned Judge Blocton about her caseload, Judge Blocton misleadingly alleged that she had completed many orders, but the staff had not filed them in Alacourt.

53. In her pattern of dishonesty and deception, Judge Blocton has attempted to interfere with the Commission's investigation and/or to destroy evidence and/or given the appearance of doing so. Examples include, but are not limited to, the following:

a. Judge Blocton expressed to staff that she has explored ways to delete links to Facebook aliases and browser history from her chambers' computer.

b. After telling Maylynn Torres-Smith that she had deleted emails and text messages, Judge Blocton instructed Ms. Torres-Smith to "go through [her] phone and delete anything that's been discussed about the investigation with [her] sisters, [her] husband because phones were going to be subpoenaed, and that [she] didn't need to have anything in [her] phone." She further instructed Ms. Torres-Smith not to delete messages with Lisa Jackson because she could not trust Lisa Jackson.

c. After Judge Blocton received a copy of the subpoena served on Maylynn Torres-Smith to testify before the Commission, Judge Blocton instructed her how to answer questions under oath in her confidential testimony before the Commission.

d. During Demetria Doughty's employment for less than a week in February 2021, Judge Blocton attempted to intimidate and intrusively question Ms. Torres-Smith regarding her testimony before the Commission. Ms. Doughty asked Judge Blocton to stop treating Ms. Torres-Smith that way, and reminded Judge Blocton that she knew she should not be doing that, but Judge Blocton continued to interrogate Ms. Torres-Smith

54. On March 10, 2021, Judge Blocton contacted Paul Franklin, a former employee in 2017, and spoke with him for over an hour about the Commission's investigation. During this conversation, Mr. Franklin felt that Judge Blocton was trying to coach him on what to say if contacted by the Commission. Judge Blocton repeated herself multiple times in speaking with Paul Franklin.

55. Judge Blocton asked her daughter to tell Ms. Torres-Smith that the daughter had not lived with an attorney, Kim Davidson, who regularly appeared before her. This was inaccurate.

COUNT I

PATTERN OF EX PARTE COMMUNICATIONS AND INAPPROPRIATE COMMENTS

Judge Blocton violated one or more of the following Alabama Canons of Judicial Ethics by engaging in a pattern of ex parte communications with litigants and attorneys appearing before her and other judges in Jefferson County, and by engaging in a pattern of making other inappropriate communications to staff, lawyers, and litigants:

- | | |
|----------|---|
| Canon 1 | A judge should uphold the integrity . . . of the judiciary.

A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity . . . of the judiciary may be preserved. |
| Canon 2 | A judge should avoid impropriety and the appearance of impropriety in all her activities. |
| Canon 2A | A judge should . . . conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. |

Canon 3 A judge should perform the duties of her office impartially and diligently.

Canon 3A(4) A judge should . . . [not] initiate ex parte communications concerning a pending or impending proceeding.

COUNT II

PATTERN OF ABUSE OF STAFF AND PATTERN OF ABUSE OF ATTORNEYS AND LITIGANTS

Judge Blocton violated one or more of the following Alabama Canons of Judicial Ethics by engaging in a pattern of abuse of staff and a pattern of abuse, bias, and favoritism towards attorneys and litigants:

Canon 1 A judge should uphold the integrity . . . of the judiciary.

A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity . . . of the judiciary may be preserved.

Canon 2 A judge should avoid impropriety and the appearance of impropriety in all his activities.

Canon 2A A judge should . . . conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2B A judge should at all times maintain the decorum and temperance befitting her office

A judge . . . should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.⁷

Canon 3: A judge should perform the duties of her office impartially and diligently.

Canon 3A(2) A judge should maintain order and decorum in proceedings before her.

Canon 3A(3) A judge should be patient, dignified, and courteous to litigants, . . . , witnesses, lawyers, and others with whom she deals in her official capacity.

Canon 3C(1)(a): A judge should disqualify himself in a proceeding in which her disqualification is required by law or his impartiality might reasonably be questioned, including but not limited to instances where:

She has personal bias or prejudice concerning a party . . .

⁷ Judge Blocton's inappropriate and abusive conduct was so persistent, so pervasive, so inescapable, so diminishing of her office, and so extreme that disrepute was brought upon the judicial office itself. *See In the Matter of Stuart C. Dubose*, COJ 36 (Ala. COJ 2008) (judge removed for violating Canons 1, 2, 2A, 2B, 2C, 3A(3), 3A(4), 7, 7A(1) and 7B(1)(c); ruled diminished capacity not to be an affirmative defense or otherwise mitigate disciplinary action requested; recognized considering personal mitigating circumstances only when it does not compromise the primary goal—protecting the integrity of the office and the judicial process).

COUNT III

APPEARANCE OF BIAS, FAVORITISM, AND RETALIATION TOWARDS ATTORNEYS AND LITIGANTS

Judge Blocton violated one or more of the following Alabama Canons of Judicial Ethics by failing to avoid an appearance of bias, favoritism, and retaliation towards attorneys and litigants:

Canon 1 A judge should uphold the integrity . . . of the judiciary.

A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity . . . of the judiciary may be preserved.

Canon 2 A judge should avoid impropriety and the appearance of impropriety in all his activities.

Canon 2A A judge should . . . conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2B A judge should at all times maintain the decorum and temperance befitting her office

A judge . . . should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.⁸

⁸ Judge Blocton's inappropriate and abusive conduct was so persistent, so pervasive, so inescapable, so diminishing of her office, and so extreme that disrepute was brought upon the judicial office itself. *See In the Matter of Stuart C. Dubose*, COJ 36 (Ala. COJ 2008) (judge

- Canon 3: A judge should perform the duties of her office impartially and diligently.
- Canon 3A(2) A judge should maintain order and decorum in proceedings before her.
- Canon 3A(3) A judge should be patient, dignified, and courteous to litigants, . . . , witnesses, lawyers, and others with whom she deals in her official capacity.
- Canon 3C(1)(a): A judge should disqualify himself in a proceeding in which her disqualification is required by law or his impartiality might reasonably be questioned, including but not limited to instances where:
- She has personal bias or prejudice concerning a party . . .

COUNT IV

PATTERN OF INAPPROPRIATE DEMEANOR AND INDECOROUS BEHAVIOR

Judge Blocton violated one or more of the following Alabama Canons of Judicial Ethics by engaging in and/or displaying inappropriate

removed for violating Canons 1, 2, 2A, 2B, 2C, 3A(3), 3A(4), 7, 7A(1) and 7B(1)(c); ruled diminished capacity not to be an affirmative defense or otherwise mitigate disciplinary action requested; recognized considering personal mitigating circumstances only when it does not compromise the primary goal—protecting the integrity of the office and the judicial process).

demeanor and indecorous behavior, including abusive behavior on the bench, in chambers, in text messages, and on Facebook, *i.e.*, around staff, attorneys, litigants, and others:

Canon 1 A judge should uphold the integrity . . . of the judiciary.

A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity . . . of the judiciary may be preserved.

Canon 2 A judge should avoid impropriety and the appearance of impropriety in all his activities.

Canon 2A A judge should . . . conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2B A judge should at all times maintain the decorum and temperance befitting her office

A judge . . . should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.⁹

⁹ Judge Blocton's inappropriate and abusive conduct was so persistent, so pervasive, so inescapable, so diminishing of her office, and so extreme that disrepute was brought upon the judicial office itself. *See In the Matter of Stuart C. Dubose*, COJ 36 (Ala. COJ 2008) (judge removed for violating Canons 1, 2, 2A, 2B, 2C, 3A(3), 3A(4), 7, 7A(1) and 7B(1)(c); ruled diminished capacity not to be an affirmative defense or otherwise mitigate disciplinary action requested; recognized considering personal mitigating circumstances only when it does not compromise the primary goal—protecting the integrity of the office and the judicial process).

Canon 3A(2) A judge should maintain order and decorum in proceedings before her.

Canon 3A(3) A judge should be patient, dignified, and courteous to litigants, . . . , witnesses, lawyers, and others with whom she deals in her official capacity.

COUNT V

PATTERN OF INORDINATE DELAY

By failing to promptly dispose of the business of the Court, Judge Blocton violated one or more of the following Alabama Canons of Judicial Ethics:

Canon 2A: A judge should conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2B: A judge should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.

Canon 3: A judge should perform the duties of her office impartially and diligently.

Canon 3A(5): A judge should dispose promptly of the business of the court.

Canon 3B(2): A judge should diligently discharge her administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of

the administrative responsibilities of other judges and court officials.

COUNT VI

APPEARANCE OF DRUG USE AND MENTAL INSTABILITY

By engaging in an appearance of drug use and mental instability, Judge Blocton violated one or more of the following Alabama Canons of Judicial Ethics:

Canon 1 A judge should uphold the integrity . . . of the judiciary.

A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity . . . of the judiciary may be preserved.

Canon 2 A judge should avoid impropriety and the appearance of impropriety in all her activities.

Canon 2A A judge should . . . conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 2B A judge should at all times maintain the decorum and temperance befitting her office.

A judge . . . should avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute.

COUNT VII

PATTERN OF DISHONESTY AND DECEPTION

By engaging in a pattern of dishonesty and deception, Judge Blocton violated one or more of the following Alabama Canons of Judicial Ethics:

- Canon 1 A judge should uphold the integrity . . . of the judiciary.
- A judge should participate in establishing, maintaining, and enforcing, and should herself observe, high standards of conduct so that the integrity . . . of the judiciary may be preserved.
- Canon 2 A judge should avoid impropriety and the appearance of impropriety in all her activities.
- Canon 2A A judge should respect and comply with the law and should herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- Canon 2B A judge should at all times maintain the decorum and temperance befitting her office.

Done this 14th day of May 2021.

THE JUDICIAL INQUIRY COMMISSION



R. Ashby Pate
Counsel For The Commission

BY ORDER OF THE COMMISSION



Billy C. Bedsole
Chairman