

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. 60

FILED

SEP - 9 2021

COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

MOTION TO SET SCHEDULING CONFERENCE,
ISSUE A SCHEDULING ORDER, AND
SET A TRIAL DATE

The Judicial Inquiry Commission (hereinafter “the Commission”) requests that this Honorable Court set a scheduling conference in this matter for the purpose of issuing a scheduling order and setting a date for trial. As grounds for this motion, the Commission states as follows:

1. Since the filing of its May 14, 2021 Complaint, the Commission has been ready to proceed to an expeditious trial in this matter pursuant to Rule 7 of the Rules of Procedure for the Alabama Court of the Judiciary, which states that an express goal of these rules is the “prompt disposition of the proceedings.” See Rule 7, Ala. R. P. Ct. Jud.

2. As is her right, on June 15, 2021, Judge Nakita Blocton filed a Motion to Dismiss the Complaint, or in the alternative, a Motion to Strike, or in the alternative, a Motion for More Definite Statement.

3. On July 15, 2021, pursuant to representations made in the Commission's Opposition to the Motion to Dismiss, the Commission provided to Judge Blocton's attorneys a document identifying the names of the attorneys referenced (but redacted) in the original Complaint.

4. On August 31, 2021, this Court denied Judge Blocton's Motion to Dismiss.

5. Prior to trial, the Commission understands that Judge Blocton has a right to certain discovery, including the taking of depositions.

6. Despite the Commission having provided names of potential attorney witnesses to Judge Blocton nearly two months ago, and despite the Unmodified Complaint clearly identifying the names of most of the relevant witnesses in this case, no depositions have been taken by Judge Blocton, and the Commission maintains that whatever depositions Judge

Blocton determines that she needs to prepare for trial should be scheduled by her counsel and taken as soon as practicable.¹

7. Because the express goal of Rule 7 is “prompt disposition of the proceedings,” judicial disciplinary proceedings before this Court are of utmost importance and should take priority—even over criminal cases.

8. To the extent Judge Blocton’s attorneys have certain trial conflicts that would prevent them from scheduling depositions or even trial in this matter in the most expeditious manner as possible, the Commission requests that Judge Blocton’s attorneys exercise all relief available to them under the “conflict rule,” which is set forth in Attorney Calendar Conflict Resolution Order, Ala. Sup. Ct. (eff. Oct. 22, 1990), in order to prioritize the prompt disposition of this judicial disciplinary proceeding.

9. Under Rule 8, Ala. R. P. Ct. Jud.:

The Court shall fix a date for hearing upon the complaint as expeditiously as possible. Notice of the date, time and place of the hearing shall be served upon the judge and any counsel designated by him not less than thirty (30) days prior to the date upon which the hearing is set unless otherwise agreed to by the parties and the Court.

¹ Attached hereto as Exhibit A is a draft list of potential witnesses that the Commission may call at the trial of this matter. The Commission reserves the right to amend this draft list prior to trial.

Accordingly, based on the foregoing, the Commission submits that this matter is ready for a scheduling conference so that an order may be entered governing these proceedings going forward, including any discovery deadlines and the setting of a date for trial.

RESPECTFULLY submitted this 9th day of September, 2021.

THE JUDICIAL INQUIRY COMMISSION

/s/ R. Ashby Pate

Attorney for the Alabama Judicial Inquiry
Commission

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CERTIFICATE OF SERVICE

I hereby certify that I have, on this 9th day of September, 2021, electronically filed the foregoing with the Court of the Judiciary, and that I have further served a copy upon the following by placing same in the United States Mail, postage prepaid and properly addressed and/or via email as follows:

Hon. Robert MacKenzie, III
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/s/ R. Ashby Pate
OF COUNSEL

IN THE ALABAMA COURT OF THE JUDICIARY

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CASE NO. 60

**JUDICIAL INQUIRY COMMISSION'S DRAFT PROPOSED
WITNESS LIST**

Trial has not been set in the above matter, nor has this Court ordered that Witness or Exhibit lists be exchanged. Nonetheless, the Judicial Inquiry Commission (hereinafter "the Commission") hereby submits the following draft Witness List of individuals the Commission may call at the trial in the above-styled matter.¹

1. Maylynn Torres-Smith, and any person identified by her as having relevant information during her testimony before the Commission.
2. Lisa Jackson, and any person identified by her as having relevant information during her testimony before the Commission.

¹The Commission reserves the right to amend this Witness List prior to any forthcoming deadlines.



3. T. Shane Smith, and any person identified by him as having relevant information during his testimony before the Commission.
4. Jude Washington, and any person identified by him as having relevant information during his testimony before the Commission.
5. Kim Davidson, and any person identified by her as having relevant information during her testimony before the Commission.
6. Demetria Doughty, and any person identified by her as having relevant information during her testimony before the Commission.
7. Jacqueline Morrette, and any person identified by her as having relevant information during her testimony before the Commission.
8. Judge Elizabeth French, and any person identified by her as having relevant information during her testimony before the Commission.
9. Victor Sims, and any person identified by him as having relevant information during his testimony before the Commission.
10. Angelik Sims, and any person identified by her as having relevant information during her testimony before the Commission.
11. Bobby Davis, and any person identified by him as having relevant information during his testimony before the Commission.

12. Paul Franklin, and any person identified by him as having relevant information during his testimony before the Commission.
13. Daryl Williams
14. Mavanee "Nee" Bear
15. Julie Callaway
16. Sara Senesac
17. Stephen Arnold
18. Pamela Tabb
19. Judge Patricia Stephens
20. Elisabeth P. Jenkins
21. Laura Burns
22. Randi B. Thigpen
23. Sandra Gregory
24. Leanne Deaton
25. C.H. Brantley
26. Cassandra Woodson
27. Asmar A. Baraka
28. Brian Bugge
29. Courtney Dubberly

30. Jessica Drennan
31. Cecelia Brown
32. Everett Wess
33. Virginia Meigs
34. Judge Anne Durward
35. Elizabeth Zweibel
36. Jessica Johnson
37. Melissa Doggett
38. Paul Shaw, Jr.
39. Margaret Casey
40. Robin Burrell
41. Judge Charles B. Langham
42. Judge Robert Bynon, Jr.
43. Benita Jenkins
44. Sheila Godwin
45. Dagney Johnson
46. Tylin Griffin
47. Megan Ford
48. Edruina Davis

49. Cassidy Upshaw
50. Allison Hickman
51. Any judge that has presided over any of Judge Blocton's cases since February 2021
52. Any expert on mental and/or physical disorder and/or substance abuse

The Commission reserves the right to call any witness necessary for impeachment or rebuttal; any witness necessary to identify, authenticate, or verify documents and/or custodian of records; and any witness whose identity is discovered through discovery before trial. The Commission also incorporates by reference all witnesses identified in Judge Blocton's Witness List.

RESPECTFULLY submitted this 9th day of September 2021.

THE JUDICIAL INQUIRY COMMISSION

/s/ R. Ashby Pate
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Inquiry Commission
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Montgomery, AL 36130-3400
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