
COMPLAINT ABOUT AN ALABAMA STATE COURT JUDGE

Today's Date: 2/17/2016 Your Name: Terry B. BattonYour Telephone Number: 334.695.2414 Your Address: P.O. Box 1627, Eufaula, AL 36027Your Attorney's Name: N/A Your Attorney's Telephone Number: N/AJudge's Name: Justice Michael Bolin Court: Alabama Supreme CourtCase Number: 1140460 County: -Name of Case: Ex parte State of Alabama ex rei. Alabama Policy Institute

STATEMENT OF FACTS AND ALLEGATIONS

(See instructions on reverse)

See Attachment 1

The allegations and statements of fact set forth above and in any additional attached pages are true and correct to the best of my knowledge, information and belief, and I understand that a copy of this complaint and all supporting materials will be provided by the Commission to the judge against whom the complaint is made.

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(Complainant's Signature)

SUBSCRIBED AND SWORN to or affirmed before me this 17th day of February, 20 16.

My Commission expires: 8-19-19

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**Time-Sensitive Complaint to the Judicial Inquiry Commission of Alabama on behalf of
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COMPLAINT

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COMPLAINT ABOUT AN ALABAMA STATE COURT JUDGE

Today's Date: 2/17/2016 Your Name: Terry B. Batton

Your Telephone Number: 334.695.2414 Your Address: P.O. Box 1627, Elizabethtown, KY 42701

Your Attorney's Name: N/A Your Attorney's Telephone Number: N/A

Judge's Name: Justice Tom Parker Court: Alabama Supreme Court

Case Number: 1140460 County: —

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While we have confidence in the wisdom and the integrity of the honorable justices on the Alabama Supreme Court, we cannot but acknowledge that such confidence weakens with each passing day that leaves API unresolved. While we hope that the Honorable James Allen Main is above the sway of public clamor and fear of criticism (which would no doubt come subsequent to any decision made in this case), we cannot help but wonder what may be the cause of such a delay without such sway or fear.

Whatever the reason, the seeming unwillingness to rule expeditiously in API and the continued silence from Justice James Allen Main and his colleagues on the Alabama Supreme Court is an injustice to the people of Alabama who await their decision. Is not the very purpose behind Canon 3 in the Canons of Judicial Ethics to prevent the necessity of such a complaint? The provisions of Canon 3 include but are not limited to the following:

“A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.” Canon of Judicial Ethics, Canon 3(A)(1)

“A judge should dispose promptly of the business of the court, being ever mindful of matters taken under submission. On the first day of January and the first day of July of each year, each judge shall file a report which shall show the cases and/or matters which have been under submission or advisement for a period of six months or longer, and if there has been no case or matter under submission or advisement for a period of six months or longer the report shall so state. Where a matter or case has been under submission or advisement for six months or longer, the report shall give the date that the matter or case was taken under submission or advisement and the reasons for the failure of the judge to decide such matters or cases. Trial judges shall file their lists with the administrative office of courts, and appellate judges shall file their lists with the clerk of their appellate court.” Canons of Judicial Ethics, Canon 3(A)(5)

CONCLUSION

Thus, for his part in the Alabama Supreme Court’s deafening seven month silence, for failing to “dispose promptly of the business of the court,” and for leaving API under submission for “six months or longer” with no apparent procedural or technical reason, the undersigned respectfully requests that the Judicial Inquiry Commission investigate our concerns and require that the Honorable James Allen Main give answer and explanation to these charges.

COMPLAINT ABOUT AN ALABAMA STATE COURT JUDGE

Today's Date: 2/17/2016 Your Name: Terry B. BattonYour Telephone Number: 334.695.2414 Your Address: P.O. Box 1627, Eufaula, AL 36027Your Attorney's Name: N/A Your Attorney's Telephone Number: N/AJudge's Name: Justice Lyn Stuart Court: Alabama Supreme CourtCase Number: 1140460 County: -Name of Case: Ex parte State of Alabama ex rel. Alabama Policy Institute

STATEMENT OF FACTS AND ALLEGATIONS

(See instructions on reverse)

See Attachment 1

The allegations and statements of fact set forth above and in any additional attached pages are true and correct to the best of my knowledge, information and belief, and I understand that a copy of this complaint and all supporting materials will be provided by the Commission to the judge against whom the complaint is made.

Dr. Terry B. Batton
(Complainant's Signature)

SUBSCRIBED AND SWORN to or affirmed before me this 17th day of February, 20 16.

My Commission expires: 8-19-19

Angela G. Brown
Notary Public

ATTACHMENT 1

**Time-Sensitive Complaint to the Judicial Inquiry Commission of Alabama on behalf of
Barbour County Tea Party, Alabama Patriots, Rainy Day Patriots, Conservative
Christians of Alabama, Common Sense Campaign, Christian Development and Renewal
Ministries, Rev. Allen Forte, Jr. (True Love Baptist Church), and Dr. Ken Jackson
(Christian Life Church)**

February 17, 2016

INTRODUCTION

We write to lodge a complaint against the Honorable Lyn Stuart for failing to “dispose promptly of the business of the court,” and for leaving Ex Parte State ex rel. Alabama Policy Institute ___ So. 3d ___ (Ala. 2015)(No.1140460) (“API”) under submission for “six months or longer” with no apparent procedural or technical reason known to the people of Alabama.

Failure of the Alabama Supreme Court to rule expeditiously in API – despite their own request for briefs, an Emergency Petition, and a Petition for Declaratory Order in a critical time of legal conflict, suggests nothing less than a dereliction of duty to constituents and other elected officials who are looking to the Court for direction. Canon 3 (Canons of Judicial Ethics) was no doubt established to prevent this kind of extended silence and the negative effect such silence has had in the State of Alabama.

BACKGROUND

On January 23, 2015, Judge Callie V. Granade of the United States District Court for the Southern District of Alabama ruled in Searcy v. Strange that Alabama’s Sanctity of Marriage Amendment (Ala. Const. Amend. 774) was unconstitutional. *See Searcy v. Strange*, [Civil Action No. 14-0208-CG-N, Jan. 23, 2015] ___ F. Supp. 3d ___ (S.D. Ala. 2015)

On February 8, 2015, Chief Justice Roy Moore issued an Administrative Order to probate judges: “Effective immediately, no Probate Judge of the State of Alabama nor any agent or employee of any Alabama Probate Judge shall issue or recognize a marriage license that is inconsistent with Article 1, Section 36.03, of the Alabama Constitution or § 30-1-19, Ala. Code 1975. (*See* Administrative Order of the Chief Justice of the Supreme Court, February 8, 2015.)

On March 3, 2015, the Alabama Supreme Court issued a Writ of Mandamus in a 7-1 opinion clarifying the boundaries of Judge Callie Granade’s jurisdiction and establishing the proper authority of the Alabama Supreme Court in the State *See Ex Parte State ex rel. Alabama Policy Institute* ___ So. 3d ___ (Ala. 2015)(No.1140460), writing that: “As it has done for approximately two centuries, Alabama law allows for “marriage” between only one man and one woman. Alabama probate judges have a ministerial duty not to issue any marriage license contrary to this law. Nothing in the United States Constitution alters or overrides this duty.” This

order was reinforced by the same margin on March 10, 2015 *See Ex Parte State ex rel Alabama Policy Institute* [Ms. 1140460, Mar. 10, 2015] ____ So. 3d ____ (Ala.2015) and March 12, 2015 *See Ex Parte State ex rel Alabama Policy Institute* [Ms. 1140460, Mar. 12, 2015] ____ So. 3d ____ (Ala.2015)

On June 26, 2015, the Supreme Court of the United States ruled in Obergefell v. Hodges, a case from the United States Court of Appeals for the Sixth Circuit (“Michigan, Kentucky, Ohio, and Tennessee” Obergefell v. Hodges, 576 U. S. ____ (2015) at *1), and purported to strike down state bans on same-sex marriage as unconstitutional. *See Obergefell v. Hodges*, 576 U. S. ____ (2015)

Three days later, on June 29, 2015, the Alabama Supreme Court invited the parties in API to address the "effect of the Supreme Court's decision on this Court's **existing orders** in this case no later than 5:00 p.m. on Monday, July 6." (emphasis added). *See Corrected Order*, June 29, 2015. The invitation was answered by several parties who filed briefs replete with compelling arguments and a great sense of urgency. There has been no response to these briefs.

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great concern over this issue to be prayerfully patient in hopes for the right outcome.” (*See Exhibit III.*)

On January 6, 2015, Chief Justice Roy Moore issued an Administrative Order stating: “Until further decision by the Alabama Supreme Court, the existing orders of the Alabama Supreme Court that Alabama probate judges have a ministerial duty not to issue any marriage license contrary to the Alabama Sanctity of Marriage Amendment or the Alabama Marriage Protection Act remain in full force and effect.” He further noted that after Obergefell both the United States Court of Appeals for the Eighth Circuit and the United States District Court for the District of Kansas wrote that Obergefell was only binding on the Sixth Circuit – not the Eighth Circuit or Kansas. (*See* Administrative Order of the Chief Justice of the Alabama Supreme Court, January 16, 2016.)

COMPLAINT

With such extraordinary developments over a period of seven months, the members of the Judicial Inquiry Commission must sympathize with the frustration of Alabamians concerning the Court’s silence in API. Probate judges are left in a sea of confusion - surrounded by conflicting orders and wondering why Petitions remain unanswered. Legislators echo the sentiment of the Southeast Law Institute (*see Exhibit III*) and feel immobile in a quandary as they consider solutions for the upcoming legislative session. Alabama voters wonder why the justices they elected seem to be ignoring a case before them – especially one of such importance to Alabama’s future.

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Ministries, Rev. Allen Forte, Jr. (True Love Baptist Church), and Dr. Ken Jackson
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February 17, 2016

INTRODUCTION

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Because of his remarkable courage to “take affirmative and appropriate action to correct or alleviate any condition or situation adversely affecting the administration of justice within the state,” (Ala. Code §12-2-30) and state the technical realities surrounding Obergefell and API, even in the face of criticism, we have no doubt that fear of criticism is not a concern of Chief Justice Roy Moore.

Whatever the reason, the seeming unwillingness to rule expeditiously in API and the continued silence on the particulars of the case from Chief Justice Roy Moore is an injustice to the people of Alabama who await their decision. Is not the very purpose behind Canon 3 in the Canons of Judicial Ethics to prevent the necessity of such a complaint? The provisions of Canon 3 include but are not limited to the following:

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CONCLUSION

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