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, Evfayla, AL 36027
Your Attorney's Name: Your Attorney's Telephone Number:
Judge's Name: JUSTICE MICHAEL BOILY COURT: Alabama Supreme Court
Case Number: 1140460 County:
Name of Case: Ex parte State of Alabama ex rei. Alahama 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 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.
On Teny B. Batter (Complainant's Signature)
JBSCRIBED AND SWORN to or affirmed before me this / 2 day of February, 20 16.
y Commission expires: 8-19-19 Notary Public Notary Public

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)

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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 <u>API</u>. 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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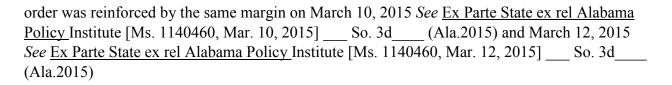
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COMPLAINT

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 <u>API</u>. 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.

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 <u>API</u> unresolved. While we hope that the Honorable Glenn Murdock 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 <u>API</u> and the continued silence from Justice Glenn Murdock 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:

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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 <u>API</u> 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 Glenn Murdock give answer and explanation to these charges.

COMPLAINT ABOUT AN ALABAMA STATE COURT JUDGE		
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Your Telephone Number: 334.695.2414 Your Address: P.O. BOY 1627 Evfaula, AL 36027		
Your Attorney's Name: Name: Your Attorney's Telephone Number:		
Judge's Name: Tistice Tom Parket court: Alabama Supreme Court		
Case Number: 1404(00		
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SUBSCRIBED AND SWORN to or affirmed before me this 12th day of February, 20 16.

My Commission expires: 8-19-19

Notary Public

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February 17, 2016

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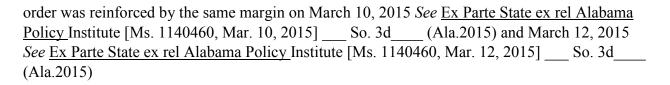
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COMPLAINT

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 <u>API</u>. 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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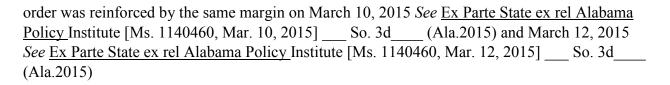
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Your Attorney	's Name: Your Attorney's Telephone Number: N/A
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Oc. Jany B. Batton (Complainant)'s Signature)

(Complainan SUBSCRIBED AND SWORN to or affirmed before me this 17th day of

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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 <u>API</u>. 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.

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 <u>API</u> 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 <u>API</u> 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 <u>API</u> 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 BAHON
Your Telephone Number: 334, 696.2414 Your Address: P.O. BOX 1627, Fufaula, AL 36027
Your Attorney's Name: Your Attorney's Telephone Number:
Judge's Name: Justice Lyn Stuart court: Alabama Supreme Court
Case Number: 140460 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.

(Complainant's Signature)

SUBSCRIBED AND SWORN to or affirmed before me this 17th day of February, 2016.

My Commission expires: 8 -19-19

Notary Public

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.

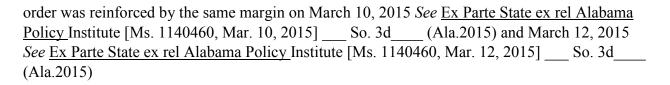
Failure of the Alabama Supreme Court to rule expeditiously in <u>API</u> – despite their own request for briefs, an Emergency Petition, and a Petition for Declaratory Order in a critical time of legal conflict, suggests nothing less than a dereliction of duty to constituents and other elected officials who are looking to the Court for direction. Canon 3 (Canons of Judicial Ethics) was no doubt established to prevent this 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 <u>Searcy v. Strange</u> that Alabama's Sanctity of Marriage Amendment (Ala. Const. Amend. 774) was unconstitutional. <u>See Searcy v. Strange</u>, [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



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

Three days later, on June 29, 2015, the Alabama Supreme Court invited the parties in <u>API</u> 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* <u>Corrected Order</u>, 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.

On September 16, 2015, Washington County Probate Judge Nick Williams filed an "Emergency Petition for Declaratory Judgement and/or Protective Order in Light of Jailing of Kentucky Clerk Kim Davis."

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On October 1, 2015, Eunie Smith (President of Eagle Forum of Alabama) and Dr. John H. Killian (former president of the Southern Baptist Convention) co-authored an op-ed reflecting a common sentiment of Alabamians titled, "Where is the Supreme Court of Alabama?" (*See* Exhibit I.)

On November 6, 2015, the American College of Pediatricians filed a brief to the Alabama Supreme Court urging them to act on behalf of Alabama's children. (*See* Exhibit II.) http://yellowhammernews.com/faithandculture/national-pediatric-doctor-group-urges-alabama-supreme-court-to-protect-children/)

In December of 2015, the Educational Update from the Southeast Law Institute mail-out addressed the case before the Alabama Supreme Court in <u>API</u> and the Court's baffling silence: "This uncertainty leaves us in somewhat of a quandary....to answer all the questions, we must await the decision of the Alabama Supreme Court. We are encouraging all of those who have

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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 <u>API</u>. 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.

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 <u>API</u> unresolved. While we hope that the Honorable Lyn Stuart 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 <u>API</u> and the continued silence from Justice Lyn Stuart and her 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:

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CONCLUSION

Thus, for her 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 <u>API</u> 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 Lyn Stuart give answer and explanation to these charges.

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	2/17/2016 Your Name: Terry B. Batton
Your Telephone	e Number: 334.695.2414 Your Address: P.O. BOX 1627, Eufavia, AL 36027
Your Attorney's	
Judge's Name:	Chief Justice Boy Moore court: Alabama Supreme Court
	1140460 County:
Name of Case:_	Exparte State of Alabama ex rel. Alabama Policy Institute
,	STATEMENT OF FACTS AND ALLEGATIONS (See instructions on reverse)
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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

Notary Public

SUBSCRIBED AND SWORN to or affirmed before me this / 7 day of February , 20 16

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February 17, 2016

INTRODUCTION

We write to lodge a complaint against the Honorable Roy Moore, as a member of the Supreme Court of Alabama for their failure 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 <u>API</u> – 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 this kind of extended silence and the negative effect such silence has had in the State of Alabama.

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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)

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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 <u>Obergefell</u> and <u>API</u>, 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 <u>API</u> 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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