

IN THE ALABAMA COURT OF THE JUDICIARY

FILED

DEC 10 2021

IN THE MATTER OF:

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COURT OF THE JUDICIARY
Rebecca C. Oates
Secretary

NAKITA BLOCTON
CIRCUIT JUDGE
JEFFERSON COUNTY, AL

CASE NO. 60

FINAL JUDGMENT

Judge Nakita Blocton was elected Circuit Judge in the Tenth Judicial Circuit, Birmingham Division, Domestic Relations Division, Jefferson County in 2016. She began serving in that capacity on January 17, 2017. On May 14, 2021, the Judicial Inquiry Commission (“the Commission”) filed a complaint against Judge Blocton with the Alabama Court of the Judiciary, charging her with violating the Alabama Canons of Judicial Ethics. On September 2, 2021, Judge Blocton answered the Commission’s complaint.

On December 7, 2021, all nine members of this Court, pursuant to its authority under Alabama Const. 1901, Art. VI, § 157, convened to hear the Commission’s complaint against Judge Blocton and began a public trial on the record.

During the trial, the Commission presented testimony from eleven witnesses, and it submitted several exhibits for this Court's consideration. Judge Blocton, who was represented by counsel, presented testimony from nine witnesses, and, like the Commission, she submitted several exhibits for this Court's consideration. At the close of the trial, this Court met to consider whether the Commission had proved its allegations "by clear and convincing evidence." Rule 10, R.P. Ala. Ct. Jud.

Although the clear-and-convincing-evidence standard is not defined in this Court's rules, this Court has previously defined the clear-and-convincing-evidence standard as follows:

"Evidence that, when weighed against evidence in opposition, will produce in the mind of the trier of fact a firm conviction as to each essential element of the claim and a high probability as to the correctness of the conclusion. Proof by clear and convincing evidence requires a level of proof greater than a preponderance of the evidence or the substantial weight of the evidence, but less than beyond a reasonable doubt."

In re Moore, COJ 46 (Ala. COJ 2016) (internal citation and quotation omitted). See also Alabama State Bar v. Giardini, 321 So. 3d 594 (Ala. 2020). With this standard in mind, this Court has examined the evidence presented at Judge Blocton's public trial, and it considered the Commission's charges against Judge Blocton. This Court finds as follows:

Charges Alleged in the Commission's Complaint

The Commission's complaint levies the following charges against

Judge Blocton:

Count No. I: "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: [Canons 1, 2,¹ 2.A, 3, and 3.A(4).]"

Count No. II: "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: [Canons 1, 2, 2.A, 2.B, 3, 3.A(2), 3.A(3), and 3.C(1)(a).]"

Count No. III: "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

¹In its complaint, the Commission alleges that Judge Blocton violated "Canon 2" as well as Canons 2.A and 2.B. This Court does not view "Canon 2" as a stand-alone canon. What the Commission lists as "Canon 2" is regarded by this Court as a general heading for three subparts of Canon 2 (2.A, 2.B., and 2.C); therefore, this Court will only address the alleged violation of Canons 2.A and 2.B. Similarly, the Commission alleges that Judge Blocton violated "Canon 3" as well as Canons 3.A(2), 3.A(3), 3.A(4), 3.A(5), 3.B(2), and 3.C(1)(a). This Court does not view "Canon 3" as a stand-alone canon. What the Commission lists as "Canon 3" is regarded by this Court as a general heading for multiple subparts of Canon 3; therefore, this Court will only address the alleged violation of Canons 3.A(2), 3.A(3), 3.A(4), 3.A(5), 3.B(2), and 3.C(1)(a).

towards attorney's and litigants: [Canons 1, 2, 2.A, 2.B, 3, 3.A(2), 3.A(3), 3.C(1)(a).]"

Count No. IV: "Judge Blocton violated one or more of the following Alabama Canons of Judicial Ethics by engaging in and/or displaying inappropriate 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: [Canons 1, 2, 2.A, 2.B, 3.A(2), and 3.A(3).]"

Count No. V: "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: [Canons 2.A, 2.B, 3, 3.A(5), and 3.B(2).]"

Count No. VI: "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: [Canons 1, 2, 2.A, and 2.B.]"

Count No. VII: "By engaging in a pattern of dishonesty and deception, Judge Blocton violated one or more of the following Alabama Canons of Judicial Ethics: [Canons 1, 2, 2.A, and 2.B.]"

Findings and Conclusions

Based on the evidence presented at Judge Blocton's public trial, this Court finds that the Commission failed to prove by clear and convincing evidence that Judge Blocton either used or appeared to use drugs in an inappropriate manner. The Commission also failed to prove by clear and convincing evidence that Judge Blocton is mentally unstable. Finally,

this Court finds that the Commission failed to prove by clear and convincing evidence that Judge Blocton made an improper campaign contribution to a mayoral candidate for the City of Birmingham.

This Court does find, however, that the Commission proved by clear and convincing evidence that Judge Blocton engaged in ex parte communications and that she engaged in a pattern and practice of making inappropriate comments -- for example, calling one judge an "Uncle Tom" and another judge a "fat bitch" and calling an employee a "heifer."

This Court also finds that the Commission proved by clear and convincing evidence that Judge Blocton engaged in a pattern of abuse of staff, attorneys, and litigants. For example, Judge Blocton referred to one employee as a "heifer" and verbally abused and belittled another employee. Judge Blocton also ordered employees to allow her to see their private cellphones so that information that might be relevant to the Commission's investigation could be deleted and she instructed them to provide to her their private login information to their work computers. Additionally, Judge Blocton made her employees work unreasonable hours, including excessive, unproductive, and unnecessary late nights

and weekends, and she made repeated threats to fire employees in an attempt to intimidate them. Judge Blocton also called an attorney, forcing the attorney to beg Judge Blocton not to fire an employee who had spoken with a litigant about the harm she had suffered due to the delay in resolving the litigant's case.

This Court also finds that the Commission has proved by clear and convincing evidence that Judge Blocton used several Facebook aliases to communicate with litigants in a pending domestic-relations case in an effort to affect the outcome of the case.

This Court further finds that the Commission has proved by clear and convincing evidence that, although she spent a substantial amount of time in her office, Judge Blocton failed to promptly dispose of many of the cases assigned to her, and that Judge Blocton is unable to effectively remedy her backlog of cases. Two judges were specially appointed to handle Judge Blocton's backlog after she left office in February 2021. One judge, who acknowledged that domestic-relations judges in Jefferson County have a high caseload, said that she was "appalled" by the number of Judge Blocton's cases that had been pending for an inappropriate amount of time without resolution. The other judge testified that it was

clear that Judge Blocton had not established an effective way of handling cases, and he noted the adverse effect that the unreasonable delay in disposing of cases had on the citizens of Jefferson County and testified that the inordinate delays "gave a black-eye" to the judicial system.

This Court also finds that the Commission has proved by clear and convincing evidence that Judge Blocton engaged in a pattern of dishonesty and deception. This behavior included Judge Blocton's use of Facebook aliases to communicate directly with litigants and to provide information to litigants in cases, asking potential witnesses to delete evidence relevant to the Commission's investigation, and attempting to influence the testimony of witnesses (or potential witnesses) in this matter.

Accordingly, this Court Finds that Judge Blocton violated:

- Canon 1, by failing to uphold the integrity and independence of the judiciary and by failing to establish, maintain, and enforce, and failing herself to observe, high standards of conduct so that the integrity of the judiciary may be preserved.
- Canon 2.A., by failing to conduct herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary;
- Canon 2.B., by failing to, at all times, maintain the decorum and temperance befitting her office and by failing


to avoid conduct prejudicial to the administration of justice which brings the judicial office into disrepute;

- Canon 3.A(2), by failing to maintain order and decorum in proceedings before her;
- Canon 3.A(3), by failing to be patient, dignified, and courteous to litigants, witnesses, lawyers, and others with whom she deals in her official capacity;
- Canon 3.A(4), by initiating ex parte communications concerning a pending or impending proceeding;
- Canon 3.A(5), by failing to dispose promptly of the business of the court;
- Canon 3.B(2), by failing to 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.


Based on these violations, this Court has unanimously concluded that Judge Blocton shall be sanctioned as follows:

1. Judge Blocton is hereby removed from the office of Circuit Judge of Jefferson County effective immediately.
2. Judge Blocton is taxed with the costs of this proceeding.

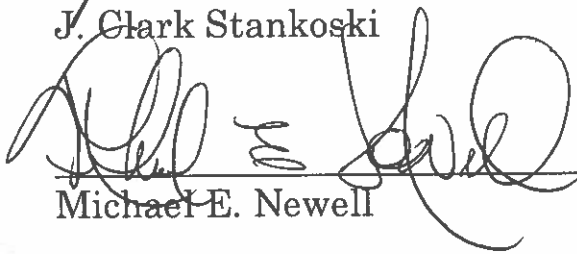
ORDERED this 10th day of December, 2021.



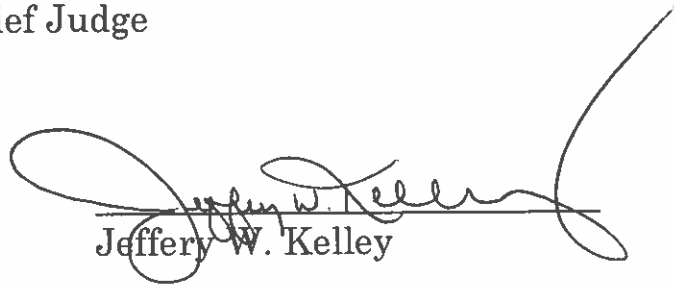
J. William Cole
Chief Judge



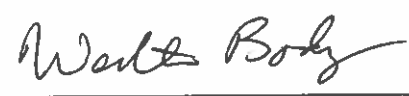
J. Clark Stankoski



Michael E. Newell



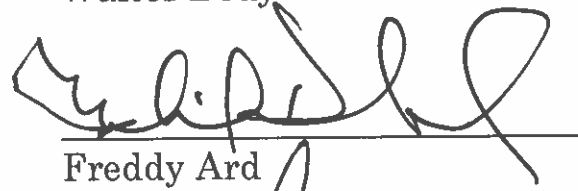
Jeffery W. Kelley



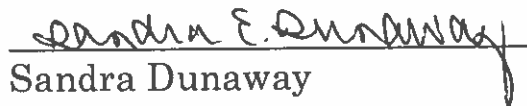
Walter Body



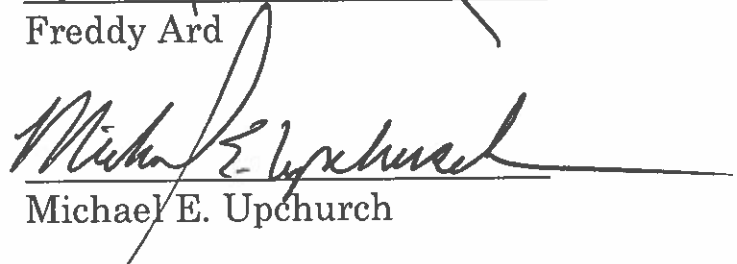
Jana Russell Garner



Freddy Ard



Sandra Dunaway



Michael E. Upchurch