

Bond Case Briefs

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Ray v. Judicial Corrections Services, Inc.

United States District Court, N.D. Alabama, Southern Division - October 9, 2014 - Slip Copy -2014 WL 5090723

Plaintiffs filed suit against Defendants Judicial Collection Services (“JCS”) and the City of Childersburg (“Childersburg”). Plaintiffs alleged various constitutional claims under 42 U.S.C. § 1983 arising out of the contractual relationship between JCS and Childersburg for probation and fee collection services. Plaintiffs sought declaratory and injunctive relief as well as money damages.

Plaintiffs served a subpoena for testimony and production of documents on nonparty Larry Ward, a former part-time municipal court judge for Childersburg and various other municipalities. Otherwise, Ward’s full-time employment over the relevant time-period was as a municipal bond salesman with Morgan Keegan & Company, now known as Raymond James Financial.

Plaintiffs sought various documents from Ward, including (1) any documents relating to JCS whatsoever; (2) procedural manuals or other documents concerning any of the municipal courts at which Ward served; (3) copies of K1 and W-2 forms showing income earned by Ward as a municipal court judge for any municipality in Alabama for the last five years; (4) awards received by Ward for service as a municipal judge; (5) contracts between Ward and any of the municipalities he served; (6) documents showing remuneration from bond activity in any of the municipalities Ward served; (7) documents showing rating adjustments on bonds for any of the municipalities Ward served; and (8) awards received by Ward for participation in bond issues in Alabama for the past five years.

Ward filed a Motion to Quash Subpoena and Motion for Protective Order, claiming judicial immunity.

The District Court held that judicial immunity shielded Ward, with the one exception that he was subject to discovery related to his nonjudicial involvement in negotiating, recommending, and executing the contract for services between JCS and Childersburg.