

1 SB159
2 204196-3
3 By Senator Smitherman
4 RFD: Judiciary
5 First Read: 02-FEB-21

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8 SYNOPSIS: Under existing law, The Judicial Resources
9 Allocation Commission is required to consider the
10 Judicial Weighted Caseload Study to determine the
11 need for judgeships in each district and circuit
12 court.

13 This bill would require the Alabama Supreme
14 Court to adopt a Judicial Actual Caseload Study as
15 the appropriate study for determining the need for
16 judgeships in each district and circuit court in
17 order to revise the factors considered in the
18 study.

19 This bill would also establish a deadline
20 for the Supreme Court to revise the factors
21 considered in the study.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 Relating to the judiciary; to amend Sections 12-9A-1
2 and 12-9A-5, Code of Alabama 1975, to change Judicial Weighted
3 Caseload Study to Judicial Actual Caseload Study; to revise
4 certain factors for the study; and to establish a deadline for
5 the revision of the factors for the study.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Sections 12-9A-1 and 12-9A-5, Code of
8 Alabama 1975, are amended to read as follows:

9 "§12-9A-1.

10 "(a) A permanent study commission on the judicial
11 resources in Alabama is hereby created and shall be known as
12 the Judicial Resources Allocation Commission. The commission
13 shall be composed of the following members:

14 "(1) The Chief Justice of the Supreme Court of
15 Alabama, who shall serve as chair.

16 "(2) The legal advisor to the Governor of Alabama.

17 "(3) The Alabama Attorney General.

18 "(4) Three incumbent circuit judges appointed by the
19 President of the Circuit Judges Association, one of whom shall
20 be from the most populous circuit. One member shall be
21 appointed for three years, one member shall be appointed for
22 four years, and one member shall be appointed for five years.
23 All appointments to fill vacancies shall be for the duration
24 of the unexpired term and subsequent appointments shall be for
25 five-year terms. Any member so appointed shall serve only so
26 long as the member remains an incumbent circuit judge.

1 "(5) Three incumbent district judges appointed by
2 the President of the District Judges Association, one of whom
3 shall be from a county without a dedicated circuit judge. One
4 member shall be appointed for three years, one member shall be
5 appointed for four years, and one member shall be appointed
6 for five years. All appointments to fill vacancies shall be
7 for the duration of the unexpired term and subsequent
8 appointments shall be for five-year terms. Any member so
9 appointed shall serve only so long as the member remains an
10 incumbent district judge.

11 "(6) Three licensed attorneys, two appointed by the
12 President of the Alabama State Bar and one appointed by the
13 President of the Alabama Lawyers Association. One member shall
14 be appointed for three years, one member shall be appointed
15 for four years, and one member shall be appointed for five
16 years. All appointments to fill vacancies shall be for the
17 duration of the unexpired term and subsequent appointments
18 shall be for five-year terms. Any member so appointed shall
19 serve only so long as the member remains a member in good
20 standing of the Alabama State Bar.

21 "(b) The membership of the commission shall be
22 inclusive and reflect the racial, gender, geographic,
23 urban/rural, and economic diversity of the state. The
24 appointing authorities must coordinate together to achieve
25 this diversity.

26 "(c) A majority of the commission shall constitute a
27 quorum for the transaction of business. The commission shall

1 meet at least once annually beginning in the first quarter of
2 2018. The first committee meeting shall be set by the Chief
3 Justice. Members shall serve without compensation.

4 "(d) The commission shall annually review the need
5 for increasing or decreasing the number of judgeships in each
6 district court and circuit court using the following criteria:

7 "(1) Judicial ~~Weighted~~ Actual Caseload Study, as
8 adopted by the Alabama Supreme Court and taking into account
9 actual caseloads of district and circuit court judges.

10 "(2) Population of the district or circuit as
11 determined on the basis of the most recent decennial census of
12 the United States or annual population estimates prepared by
13 the United States Bureau of the Census.

14 "(3) Judicial duties in the district or circuit,
15 including consideration of those circuits which have
16 specialized divisions.

17 "(4) Uniformity in the calculation of how civil,
18 criminal, and domestic cases are accounted for between
19 circuits.

20 "(5) Any other information deemed relevant by the
21 commission.

22 "(e) Based on the criteria in subsection (d), the
23 commission shall annually determine the need for increasing or
24 decreasing judgeships in the district and circuit courts and
25 rank each court accordingly. The commission shall provide this
26 list to the Governor and the Legislature no later than 30 days
27 after it is completed.

1 "§12-9A-5.

2 "(a) No later than January 1, 2018, the Alabama
3 Supreme Court shall revise the factors considered in the
4 Judicial Weighted Caseload Study ~~to~~.

5 (b) (1) By January 1, 2023, the Alabama Supreme Court
6 shall adopt the factors to be considered in the Judicial
7 Actual Caseload Study.

8 "(2) For purposes of this subsection, Judicial
9 Actual Caseload Study means a study to uniformly, fairly, and
10 accurately account for all of the following:

11 a. ~~criminal~~ Criminal cases by counts brought against
12 a defendant. All post judgement cases shall be considered
13 separately for purposes of this study. All underlying and each
14 criminal offense shall be treated separately for purposes of
15 this study.

16 b. Civil cases.

17 c. Any probate cases appealed to the circuit court.

18 d. The impact reallocation could have on other
19 judges in the circuit.

20 e. Any other information or data deemed relevant by
21 the Alabama Supreme Court.

22 "~~(b)~~ (c) No judgeship shall be reallocated until
23 three years of data is available after the revision of the
24 factors considered in the Judicial ~~Weighted~~ Actual Caseload
25 Study as provided in this section.

26 "~~(c)~~ (d) No judicial circuit shall lose more than
27 one judgeship through allocation in a two year period.

1 "(e) A judge shall notify the Secretary of State
2 upon resignation from office. Resignation of a judge does not
3 include the judge accepting an appointment or winning an
4 election for another judicial seat.

5 "(f) No judgeship shall be reallocated once a
6 judicial candidate has qualified to have his or her name
7 placed on the ballot under Title 17."

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.