

1 SB90
2 181788-1
3 By Senators Orr and Ward
4 RFD: Judiciary
5 First Read: 07-FEB-17

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8 SYNOPSIS: This bill would establish the Judicial
9 Resources Allocation Commission, establish the
10 criteria for determining the need for increasing or
11 decreasing the number of judgeships in each
12 district court and circuit court, and authorize the
13 Judicial Resources Allocation Commission to
14 reallocate judgeships based on such criteria.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to courts; to establish the Judicial
21 Resources Allocation Commission; to establish the criteria for
22 determining the need for increasing or decreasing the number
23 of judgeships in district courts and circuit courts; and to
24 authorize the Judicial Resources Allocation Commission to
25 reallocate judgeships based on such criteria.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) A permanent study commission on the
2 judicial resources in Alabama is hereby created and shall be
3 known as the Judicial Resources Allocation Commission. The
4 Judicial Resources Allocation Commission shall be composed of
5 the following members:

6 (1) The Chief Justice of the Supreme Court of
7 Alabama, who shall serve as chair.

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

9 (3) The Alabama Attorney General.

10 (4) Three incumbent circuit judges appointed by the
11 President of the Circuit Judges Association, one of whom
12 should be from the most populous circuit. One member shall be
13 appointed for three years, one member shall be appointed for
14 four years, and one member shall be appointed for five years.
15 All appointments to fill vacancies shall be for the duration
16 of the unexpired term and subsequent appointments shall be for
17 five-year terms. Any member so appointed shall serve only so
18 long as they remain an incumbent circuit judge.

19 (5) Three incumbent district judges appointed by the
20 President of the District Judges Association, one of whom
21 shall be from a county without a dedicated circuit judge. One
22 member shall be appointed for three years, one member shall be
23 appointed for four years, and one member shall be appointed
24 for five years. All appointments to fill vacancies shall be
25 for the duration of the unexpired term and subsequent
26 appointments shall be for five-year terms. Any member so

1 appointed shall serve only so long as they remain an incumbent
2 district judge.

3 (6) Three licensed attorneys, two appointed by the
4 President of the Alabama State Bar and one appointed by the
5 President of the Alabama Lawyers Association. One member shall
6 be appointed for three years, one member shall be appointed
7 for four years, and one member shall be appointed for five
8 years. All appointments to fill vacancies shall be for the
9 duration of the unexpired term and subsequent appointments
10 shall be for five-year terms. Any member so appointed shall
11 serve only so long as they remain a member in good standing of
12 the Alabama State Bar.

13 (b) The membership of the Judicial Resources
14 Allocation Commission shall be inclusive and reflect the
15 racial, gender, geographic, urban/rural, and economic
16 diversity of the state. The appointing authorities must
17 coordinate together to achieve this diversity.

18 (c) A majority of the Commission shall constitute a
19 quorum for the transaction of business. The Commission shall
20 meet at least once annually beginning in the first quarter of
21 2018. The first committee meeting shall be set by Chief
22 Justice. Members shall serve without compensation.

23 (d) The Judicial Resources Allocation Commission
24 shall annually review the need for increasing or decreasing
25 the number of judgeships in each district court and circuit
26 court using the following criteria:

1 (1) Judicial Weighted Caseload Study, as adopted by
2 the Alabama Supreme Court;

3 (2) Population of the district or circuit as
4 determined on the basis of the most recent decennial census of
5 the United States or annual population estimates prepared by
6 the United States Bureau of the Census;

7 (3) Judicial duties in the district or circuit,
8 including consideration of those circuits which have
9 specialized divisions; and

10 (4) Uniformity in the calculation of how civil,
11 criminal, and domestic cases are accounted for between
12 circuits.

13 (5) Any other information deemed relevant by the
14 Judicial Resources Allocation Commission.

15 (e) Based on the criteria in subsection (c), the
16 Judicial Resources Allocation Commission shall annually
17 determine the need for increasing or decreasing judgeships in
18 the district and circuit courts and rank each court
19 accordingly. The Judicial Resources Allocation Commission
20 shall provide this list to the Governor and the Legislature no
21 later than 30 days after it is completed.

22 Section 2. (a) Only in the event of a vacancy due to
23 death, retirement, resignation, or removal from office of a
24 district or circuit judge, the Judicial Resources Allocation
25 Commission shall have 30 days to determine whether to
26 reallocate such judgeship to another district or circuit. The
27 Judicial Resources Allocation Commission may also choose to

1 reallocate a judgeship if the incumbent judge shall not be
2 eligible to run for reelection as a result of the age
3 limitation provided for in Section 155 of the Constitution of
4 Alabama 1901, as amended, by notifying the Secretary of State
5 no later than one year prior to the close of qualifying for
6 candidates to run for such judgeship. All reallocation
7 decisions require a two-thirds vote of the Judicial Resources
8 Allocation Commission members. In determining whether to
9 reallocate such judgeship, the Judicial Resources Allocation
10 Commission shall consider the need based on the district and
11 court rankings as determined pursuant to Section 1. However,
12 in no event shall the Judicial Resources Allocation Commission
13 reallocate a judgeship to another district or circuit if doing
14 so would cause the district or circuit from which the
15 judgeship was being removed to move into the ten counties in
16 most need of a district judge or the ten circuits, or
17 divisions thereof, in most need of a circuit judge based on
18 the rankings provided pursuant to Section 1. Additionally,
19 each county shall continue to have at least one district
20 judge.

21 (b) In the event the Judicial Resources Allocation
22 Commission chooses not to reallocate the vacant judgeship
23 within the 30 days prescribed in subsection (a), the vacancy
24 shall be filled according to law in the district or circuit in
25 which the judgeship is located.

26 (c) In the event the Judicial Resources Allocation
27 Commission chooses to reallocate the vacant judgeship within

1 the 30 days prescribed in subsection (a), the vacancy shall be
2 filled according to law for the district or circuit to which
3 the judgeship is reallocated. The person appointed to fill the
4 judgeship shall serve the required time period pursuant to law
5 before running for election, at which time the reallocated
6 judgeship shall be subject to election in the district or
7 circuit to which the judgeship was reallocated.

8 (d) Upon the reallocation of the judgeship, all
9 remaining judgeships in the district or circuit from which the
10 judgeship was reallocated shall be renumbered appropriately.
11 Additionally, the state resources allocated to fund such
12 judgeship shall continue to fund the judgeship in the district
13 or circuit to which it was reallocated.

14 (e) The Chair of the Judicial Resources Allocation
15 Commission shall keep a true record of all the proceedings of
16 the meetings of the Judicial Resources Allocation Commission.
17 At the call of any member the vote on any pending question
18 shall be taken by ayes and nays, and the same shall be entered
19 in such record, the records of the proceedings of the Judicial
20 Resources Allocation Commission shall be open to any member of
21 the Judicial Resources Allocation Commission and to the public
22 and a copy of such record, certified by the Chair, shall be
23 kept in the records of Judicial Allocation Resources
24 Commission maintained by the Chair.

25 Section 3. A district or circuit judge appointed to
26 a reallocated judgeship pursuant to this act shall have and
27 exercise all jurisdiction, power, rights, and authority and

1 shall possess all of the qualifications, perform all of the
2 duties, and shall be subject to all of the responsibilities
3 and duties of the office to which other district or circuit
4 judges are subject.

5 Section 4. The annual compensation of the circuit or
6 district judges appointed pursuant to this act shall be in
7 accordance with Chapter 10A of Title 12, Code of Alabama 1975.

8 Section 5. (a) No later than January 1, 2018, the
9 Alabama Supreme Court shall revise the factors considered in
10 the Judicial Weighted Caseload Study to uniformly, fairly, and
11 accurately account for criminal cases by counts brought
12 against a defendant.

13 (b) No judgeship shall be reallocated until three
14 years of data is available after the revision of the factors
15 considered in the Judicial Weighted Caseload Study as provided
16 in this section.

17 (c) No judicial circuit shall lose more than one
18 judgeship through allocation in a two year period.

19 Section 6. The Commission shall be subject to the
20 Alabama Open Meetings Act and the Alabama Open Records Act.

21 Section 7. All laws or parts of laws which conflict
22 with this act are hereby repealed.

23 Section 8. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.