

1                   BEFORE THE STATE OF ALABAMA  
2           JUDICIAL RESOURCE ALLOCATION COMMISSION  
3           HEFLIN-TORBERT JUDICIAL BUILDING  
4           THURSDAY, JANUARY 9TH, 2020  
5                   10:00 a.m.

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14           THE FOLLOWING PROCEEDING was held before  
15 the Honorable Tom Parker, Chair, taken by Jeana S.  
16 Boggs, Certified Court Reporter and Commissioner  
17 for the State of Alabama at Large, at the offices  
18 of the Heflin-Torbert Judicial Building, 300 Dexter  
19 Avenue, Montgomery, Alabama, commencing at 10:00  
20 a.m., Thursday, January 9th, 2020.  
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1 APPEARANCES:

2 COMMISSION MEMBERS:

3 CHIEF JUSTICE TOM PARKER, CHAIR

4 HONORABLE LEE CARTER

5 HONORABLE ZACK COLLINS

6 MR. CLAY CRENSHAW

7 HONORABLE CLYDE JONES

8 HONORABLE MICHAEL NEWELL

9 THE HONORABLE WILL PARKER

10 HONORABLE JAMES REID

11 MR. HAROLD STEPHENS

12 HONORABLE EUGENE VERIN

13 ALSO PRESENT:

14 MR. RICH HOBSON

15 MR. BEN DUPRÉ

16 MS. CARY MCMILLAN

17 MR. MICHAEL GREGORY

18 MR. TODD RUSSELL

1 MR. HOBSON: Hey, good morning to  
2 everybody. My name is Rich Hobson. I am  
3 the Administrative Director of Courts here.  
4 And I'll tell you what: We have got a flag  
5 in here, and I welcome everybody here, but  
6 let's rise and pledge allegiance to the  
7 flag.

8 (Pledge of Allegiance).

9 MR. HOBSON: And while we're still  
10 standing, please join me in prayer.

11 (Prayer).

12 MR. HOBSON: Chief Justice Parker.

13 CHIEF JUSTICE PARKER: Well, I  
14 want to welcome everyone here. We have  
15 almost everybody on the Commission here  
16 already, and we have numerous observers, as  
17 well.

18 This meeting is subject to the  
19 Open Meetings Act, and we had a press  
20 release that we sent out on  
21 December 13th. We posted this at the  
22 Alabama Secretary of State's open  
23 meetings web page. And then we posted it

1 at AOC, as well.

2 So, the notice went out, and  
3 it's obvious by the attendees that are  
4 here to observe.

5 Will, please sign in.

6 Now, an official transcript of  
7 today's meeting will be prepared by an  
8 Official Court Reporter, Jeana Boggs, who  
9 is with us. And we will have a certified  
10 copy of that transcript and a copy of the  
11 reports to be submitted to the Governor  
12 and the Legislature at the conclusion of  
13 this process.

14 And I want to now recognize  
15 those who are present for this meeting.  
16 I am designated as the Chairman by  
17 statute. Let me go around the table here  
18 and start with you, if you will, and  
19 please identify yourself for Jeana Boggs  
20 to be able to clearly get your name and  
21 position.

22 HON. COLLINS: I am Zack Collins,  
23 District Court Judge, in Russell County,

1 Alabama.

2 HON. JONES: Clyde Jones,  
3 Presiding Judge, Criminal Division,  
4 Jefferson County, Chairman of the Jefferson  
5 Judicial Commission.

6 HON. VERIN: Eugene Verin, Retired  
7 Circuit Judge, Jefferson County, Bessemer  
8 Division.

9 CHIEF JUSTICE PARKER: Eugene, you  
10 are here on behalf of --

11 HON. VERIN: Of the Alabama  
12 Lawyers Association.

13 CHIEF JUSTICE PARKER: And that's  
14 one of the three lawyer positions on this  
15 Commission.

16 HON. NEWELL: And I am Michael  
17 Newell, District Court Judge in Winston  
18 County.

19 HON. CARTER: Lee Carter. I'm  
20 Circuit Court in the 25th Judicial Circuit.

21 MS. McMILLAN: Cary McMillan,  
22 Director of Family Court at the  
23 Administrative Office of Courts.

1 MR. GREGORY: Michael Gregory. I  
2 am an analyst with the Administrative  
3 Office of Courts.

4 MR. HOBSON: Rich Hobson,  
5 Administrative Director of Courts.

6 MR. DUPRE: Ben Dupre, Chief of  
7 Staff to Chief Justice Parker.

8 MR. RUSSELL: Todd Russell,  
9 Director of the Legal Division,  
10 Administrative Office of Courts.

11 HON. REID: Jim Reid, Active  
12 Retired Circuit Judge from Baldwin County.

13 MR. STEPHENS: I'm Harold  
14 Stephens. I'm an attorney with Bradley  
15 Arant in their Huntsville office.

16 MR. CRENSHAW: Clay Crenshaw with  
17 the Attorney General's Office, and I am  
18 here for AG Marsh.

19 MR. WILL PARKER: Will Parker,  
20 General Counsel to Governor Ivey.

21 CHIEF JUSTICE PARKER: Good to  
22 have all of you here. And if we could,  
23 let's pass out the data that we need

1 everyone to have. Is it in their package?

2 MR. HOBSON: Yes.

3 CHIEF JUSTICE PARKER: Okay. Now,  
4 Cary McMillan and Michael Gregory are going  
5 to give us an overview of that data.

6 MS. McMILLAN: I'm going to get a  
7 packet. Thank you. I'm sorry.

8 MR. RUSSELL: Page four behind the  
9 front order in your packet.

10 MS. McMILLAN: So, we are looking  
11 at the Alabama FY2019 Circuit Court  
12 Judicial Weighted Caseload Implied Need.  
13 While we are looking at this, the  
14 numbers -- or the statistics really haven't  
15 changed that much from year to year, but I  
16 did want to point out, like, one major  
17 anomaly, is what we call it, but it's where  
18 there is a big variance where one circuit  
19 changed a whole lot.

20 And so, I want to point out  
21 Circuit 24. They changed a lot, and it  
22 was because Fayette had 36 murder  
23 charges. And now that we are going on

1 charges and not number of cases, that  
2 increased their judge need by 1.12 -- or  
3 1.18 judges.

4 So, it actually increased their  
5 judge need by a whole judge, but it was  
6 really -- well, in Fayette County in  
7 particular, it was two people murdered by  
8 three people. So, you had co-defendants  
9 that murdered two people, but there were  
10 36 murder charges against those three  
11 people.

12 So, evidently that -- which the  
13 DA can do, can obviously have a lot of  
14 charges against one individual instead of  
15 it being -- you know.

16 So, I just wanted to point that  
17 out, that that's the one that we would  
18 call an anomaly, which is why we go on  
19 three years of data or -- I mean, instead  
20 of just one, because with three years,  
21 then, when you have one of those counties  
22 that jumps up to the top and then jumps  
23 back down to the bottom, it kind of evens



1 out over time.

2 CHIEF JUSTICE PARKER: Cary, did  
3 Chris McCool give us this situation before  
4 he arose to the bench?

5 MS. McMILLAN: Really, it's the  
6 DA -- I don't know. It may be. I would  
7 never admit that.

8 But it's really however the DA  
9 is doing it. There is another thing that  
10 we do take into consideration, and I am  
11 just going to be very transparent.  
12 Sometimes what DAs do also is, in  
13 pornography cases, they will charge per  
14 picture. And when we see that happen,  
15 you will have 10,000 charges on one case.  
16 And that one we do take into account, and  
17 we reduce it, because you don't need five  
18 judges to handle one case in one county  
19 of pornography -- of pictures.

20 So, that is the one thing that  
21 we do find in the data that we do, what  
22 we call, normalize, but that's the only  
23 thing we change. We did not change the

1 captain murders. We let that stand as it  
2 is, and I just wanted to explain the  
3 numbers to you.

4 So, are there any other -- if  
5 district really didn't -- that stayed  
6 pretty -- that really didn't change a  
7 lot, because capital murder in district  
8 cases isn't that great a weight. But  
9 obviously in circuit cases it's the  
10 biggest weight.

11 CHIEF JUSTICE PARKER: And let me  
12 make sure everyone is with us on the same  
13 page. There is the order from the Alabama  
14 Circuit Court, dated January 8th, 2020,  
15 that approved this new study done on new  
16 data. And that's what we are talking  
17 about.

18 And, Cary, going through some of  
19 the past transcripts of this Commission,  
20 I saw there were questions about the FTE  
21 categories. Could you explain those,  
22 please.

23 MS. McMILLAN: I would love to

1 explain FTE.

2 FTE is full-time equivalent.

3 So, FTE is how much a judge has time to  
4 spend just on cases over a year. So,  
5 that's what an FTE is. We only look at  
6 year snaps at a time, because when you  
7 start doing more than that, it's -- it's  
8 just hard to think about it.

9 But -- so, full-time equivalent  
10 is one judge for a year value to work on  
11 cases. So, you will notice that Judge  
12 Year Value, that's what is the FTE. So,  
13 you will notice on Circuit, multiple  
14 circuits, the FTE for judges is 83  
15 minutes, 850. What that is, is because  
16 we add travel time for multi-county  
17 circuits. And, then, in a single county  
18 circuit, it will be 90,300 minutes. And  
19 in District Court, it's always 90,300  
20 minutes, because they don't have to  
21 count -- even -- And we did talk in the  
22 committee about the dual counties, you  
23 know, where they have two courthouses,

1 but it was decided because it was within  
2 one county that they would just still  
3 stay with the -- the regular Judge Year  
4 Value, which is the full-time equivalent  
5 of a judge for a year.

6 CHIEF JUSTICE PARKER: And looking  
7 at past transcripts, I saw that there were  
8 questions that referees were taken into  
9 account. And, yes, they are through the  
10 FTE category and receive Circuit 6,  
11 Tuscaloosa, is one equivalent there. And I  
12 think a lot of that is taken into account.

13 MS. McMILLAN: Yes. Because we  
14 have a full-time juvenile referee there.

15 CHIEF JUSTICE PARKER: And by this  
16 process of digging into the numbers right  
17 now before you, I want to invite you to ask  
18 questions so that everybody has clear  
19 understanding of what these numbers mean.

20 HON. JONES: I was just wondering,  
21 on Jefferson number 10 on the Circuit page,  
22 is Bessemer Division differentiated from  
23 the Birmingham Division?

1 MS. McMILLAN: They are not in  
2 this because you are in the same circuit,  
3 but I do break those numbers out to look at  
4 them. I do have that, but we don't in  
5 this.

6 HON. JONES: It's totally  
7 different. It's totally different.

8 MS. McMILLAN: It is, but, like,  
9 we lump Bibb, Dallas, Hale, Perry and  
10 Wilcox; that is lumped together in the  
11 Fourth Circuit. So, there again, in  
12 Jefferson, we just -- because we handle it  
13 as a circuit.

14 Now, in -- if you look over to  
15 the district, we break out Bessemer at  
16 the bottom per district. But because  
17 circuit is a circuit, we don't break it  
18 out.

19 HON. JONES: Okay. So, what is  
20 the allowance for Jefferson County being a  
21 specialized circuit where we have a  
22 criminal division, a civil division, a  
23 domestic relations division, et cetera?

1           How is that figured into all of this under  
2           number 10, Jefferson.

3                   MS. McMILLAN: In this, it doesn't  
4           indicate that, but we do have a breakdown  
5           actually of every single circuit, and we do  
6           break out Birmingham, and we break it out  
7           by case types. We break out by criminal,  
8           civil. We have 20 case types, and they are  
9           broken out -- I mean, like, it might be  
10          like criminal is going to be obviously --  
11          you know, it's going to be capital -- it's  
12          going to be felony misdemeanor, and it's  
13          going to be capital felony, personal  
14          felony. But we can lump those together and  
15          say these are the criminal cases.

16                   CHIEF JUSTICE PARKER: Now, what  
17          we have given you here is just the summary  
18          of the study, and Cary and Michael can  
19          provide you full studies if you would like  
20          to see it.

21                   HON. JONES: Okay. Let me ask  
22          another question, if you don't mind, Chief.

23                   Okay. So, recently, our

1 District Court Judge, who was Debra  
2 Weston-Pickens, she occupies -- well, she  
3 started, at the beginning of January,  
4 occupying a district court criminal seat.  
5 But that seat was originally a district  
6 court civil seat, and it expires this  
7 month.

8 So, now that district court  
9 criminal seat is going back to district  
10 court civil, and now the circuit judges  
11 of Jefferson County are left with  
12 handling the municipal appeal dockets, in  
13 addition to everything else, for 23 --  
14 no, 22 municipalities, plus the Jefferson  
15 County municipal appeal docket. Is that  
16 taken into consideration in these  
17 numbers?

18 MS. McMILLAN: It is.

19 HON. JONES: It is? When did  
20 you-all find out about that, because it  
21 just happened.

22 MS. McMILLAN: Well, now, we just  
23 look at how many -- we are -- This is just

1 case filings, and then we look at district  
2 judges handling circuit cases and then  
3 referees. I mean, that's all -- We are  
4 just looking at filings on the whole.  
5 Where judges move within a circuit, that we  
6 don't look at as much on this, because this  
7 is just a summary.

8 MR. GREGORY: Just the total  
9 number of judges that actually are in the  
10 county and total number of case filings.

11 HON. JONES: But the fact that she  
12 is not counting municipal appeals for 23  
13 municipalities, and because now we, circuit  
14 judges, are having to handle those cases,  
15 increases the number of cases that we are  
16 handling.

17 MR. GREGORY: The circuit judges?

18 HON. JONES: Yes, exponentially.

19 MR. GREGORY: Definitely. And  
20 that will be accounted for next year when  
21 we get the circuit court caseload numbers  
22 in, because your JID will be reflected --  
23 whoever the circuit judge is hearing the



1 case will be reflected on those cases  
2 through FY20.

3 So, those -- all the counts in  
4 all the cases are accounted for based on  
5 the judge that's hearing the case. It  
6 doesn't matter what position or, you  
7 know, which seat they are sitting in,  
8 what that seat is labeled to be hearing.  
9 If it's changed, then it doesn't matter.  
10 Those cases are still assigned to that  
11 judge.

12 So, that's what we are looking  
13 at, a list.

14 MS. McMILLAN: And we are just  
15 looking at whether it's a circuit case or a  
16 district case for the summary. But we do  
17 have a -- We do have it broken out, but we  
18 don't say this judge moved from here to  
19 here. That's not -- for statistical  
20 reasons, that really -- you know, that  
21 doesn't really change statistics, the  
22 numbers. It's still a filing.

23 MR. GREGORY: You still have a

1       certain amount of filings and a certain  
2       amount of judges. And that's how we  
3       determine how many judges it takes to hear  
4       that many cases with that many filings per  
5       counts in criminal.

6               HON. JONES: Okay. Well, I am  
7       just concerned, because we lost a judgeship  
8       in the circuit, it looks like. And it's  
9       like we are having to do the work of the  
10      lost circuit judgeship and the work of the  
11      district judge here, too, added on. And I  
12      don't think all of that is really accounted  
13      for in these numbers as it relates to the  
14      workload for a circuit judge in the  
15      criminal division of Jefferson County, if I  
16      am making that clear.

17             MR. HOBSON: Well, but it would be  
18      reflected until the end of September,  
19      right? Because this data reflects FY19,  
20      and that would send --

21             HON. JONES: See, this is new  
22      information.

23             MR. GREGORY: Right.

1 HON. JONES: This is new. This  
2 is, you know, current. You know, I mean,  
3 this is not last year, 2019. This is,  
4 okay, right now, January, what we are  
5 looking at in Jefferson County. And it's  
6 an increase in our workload. And I -- you  
7 know.

8 HON. VERIN: I have got a question  
9 for Judge Jones. You said that you -- that  
10 Jefferson County has lost a judgeship?

11 HON. JONES: We are losing a  
12 judgeship, it looks like. Because -- and I  
13 don't want to take up an inordinate amount  
14 of time, Chief, but you-all probably read  
15 about the Linda Hall debacle, when she won  
16 the seat with Judge Pulliam.

17 MR. GREGORY: On qualifications.

18 HON. JONES: And then she got  
19 disqualified.

20 MR. GREGORY: Right.

21 HON. JONES: And then, you know,  
22 Judge Pulliam got appointed to Judge Cole's  
23 old seat, and that left place 16 out there.

1 And so, now Judge Pulliam is applying for  
2 judge 16 -- place 6, her old seat, and  
3 place three looks like it's going to be  
4 vacant.

5 HON. VERIN: Also, you are  
6 assuming that that's going to happen.

7 MR. HOBSON: Hey, and really,  
8 Judge Verin, just for this meeting right  
9 here today, we know of no vacancy. So, we  
10 are, you know, presenting the numbers,  
11 trying to get the blessing for the numbers  
12 for FY19.

13 HON. VERIN: Right. Nothing will  
14 be decided today. Is that correct?

15 MR. HOBSON: That's right. That's  
16 right.

17 HON. VERIN: Okay. We haven't  
18 lost anything yet.

19 MR. HOBSON: Yeah. We don't have  
20 a vacancy today. We're not even going to  
21 talk about that.

22 HON. VERIN: And when I say "we,"  
23 I am talking about Jefferson County.

1 HON. JONES: I just want to make  
2 it known that we currently are going to be  
3 handling, this year, more cases than we  
4 handled in 2019. That was the whole point.

5 MR. HOBSON: Okay.

6 MR. NEWELL: These numbers do not  
7 accurately reflect the present workload?

8 HON. JONES: Exactly. That's all.

9 CHIEF JUSTICE PARKER: Now, let me  
10 clarify that these numbers represent cases  
11 during the fiscal year 2019.

12 MR. HOBSON: Correct.

13 CHIEF JUSTICE PARKER: So, at the  
14 close of that fiscal year, at the end of  
15 September, these studies were then  
16 conducted on that data. And what we have  
17 alluded to about possible future events in  
18 Birmingham is out there in the future. We  
19 are dealing with these historic numbers  
20 today.

21 MR. GREGORY: And I'll just make  
22 one more point on that. And if that does  
23 occur, Judge, and you lose a judgeship

1        somewhere down the road, that will be  
2        accounted for on this. So, there will be  
3        one less judge on the report and those  
4        numbers per judge will increase for  
5        Jefferson County. And that would, you  
6        know, definitely reflect that as far as  
7        your individual caseloads go.

8                CHIEF JUSTICE PARKER: And let me  
9        add this, that according to the statute  
10       that we operate under, if there is a change  
11       in the future along the lines that you are  
12       referring to, Clyde, this Commission will  
13       have to meet and make a recommendation  
14       within 30 days of that change.

15               HON. JONES: Correct.

16               CHIEF JUSTICE PARKER: So, that's  
17       going to be difficult to get us all  
18       together with schedules. But please be  
19       aware, based on what Judge Jones is saying,  
20       that we might have to have a quickly called  
21       second meeting in this calendar year.

22               Okay. While we are still on the  
23       circuit docket, the summary page that you

1 have attached to the January 8th, 2020  
2 order from the Supreme Court, are there  
3 other questions that you would like for  
4 Michael or Cary to explain so you have a  
5 firm grasp of that?

6 HON. REID: I have a question,  
7 Chief. I have question.

8 CHIEF JUSTICE PARKER: Yes.

9 HON. REID: Going back to the  
10 Fayette County situation, there are 17 -- I  
11 wasn't quite clear. There were three  
12 murders, three people killed, two people  
13 who killed them and --

14 MS. McMILLAN: Opposite. Two  
15 people killed by three people.

16 HON. REID: Two people? Okay.

17 MS. McMILLAN: So, three  
18 co-defendants, and two people murdered, and  
19 it's 36 charges.

20 HON. REID: Thirty-six charges.

21 MR. GREGORY: For instance, the  
22 capital murder could be charged to each  
23 defendant, and it was. So, that there is

1 particular situations that allows the  
2 district attorney to proceed with a charge  
3 for that certain situation he did in that  
4 case.

5 HON. REID: So, you could have one  
6 charge of capital murder, you could have a  
7 second charge of felony murder, or you  
8 could have multiple different charges of  
9 capital murder. It could be --

10 MR. GREGORY: That's the situation  
11 of multiple charges of capital murder.

12 HON. REID: Okay. And you counted  
13 each one of those as a separate case?

14 MR. GREGORY: Well, a count.

15 HON. REID: Well, a case or a  
16 count.

17 MS. McMILLAN: Well, we make  
18 counts on criminal instead of cases,  
19 because everybody felt like counts was  
20 more -- was more fair. Right. That's  
21 not a good -- but, yeah.

22 So, that's what the committee  
23 had decided -- the way the caseload



1 committee decided to go with charges on  
2 criminal instead of filings.

3 HON. REID: Okay. Okay. So,  
4 that's kind of a -- kind of an artificial  
5 elevation of that.

6 MR. HOBSON: It's an outlier.

7 HON. REID: Yeah, it's an outlier.  
8 Next year it will -- it will probably go  
9 back to what it was previously.

10 MS. McMILLAN: Which was zero.

11 HON. REID: Okay.

12 MS. McMILLAN: And we have so.

13 HON. REID: Okay. Gotcha.

14 MR. GREGORY: So, and I -- it  
15 interested me over how it changed from over  
16 the three years. And, you know, it -- I  
17 want to say they were Fayette, Lamar and  
18 Pickens, and the circuit quarter for FY17  
19 was ranked tenth, I believe, on the list.  
20 It moved them up to seventh in 2019. But  
21 it averages out that they were 10th, 11th,  
22 and 7th. And I would imagine next year,  
23 unless they have another one with the same

1 situation, it will go back to around 10 or  
2 11. But the average is nine on the ranking  
3 over the three years.

4 CHIEF JUSTICE PARKER: Go ahead.

5 HON. VERIN: I'd like to ask a  
6 question, something that you just said,  
7 because for those of us who have been  
8 through the studies from a long time ago,  
9 we did them through the month of February,  
10 and that was highly controversial because  
11 we weren't -- we were counting apples and  
12 oranges. And then even when we did the  
13 last study for those of us who work in  
14 those committees, again it was highly  
15 contentious. And we had to squeeze numbers  
16 to get the agreement. But I heard for the  
17 first time that AOC is doing the same count  
18 for all the counties, so that we have just  
19 don't -- is that right, what I just heard?

20 MR. GREGORY: Everyone is counted  
21 the exact same way.

22 HON. VERIN: Okay. And that's --

23 MR. GREGORY: In criminal --

1 HON. VERIN: In criminal. It's  
2 for separate counts.

3 MR. GREGORY: Right. Not  
4 defendants -- or, I mean, not --

5 MS. McMILLAN: Not cases.

6 HON. REID: Not cases.

7 HON. VERIN: Not cases.

8 MR. GREGORY: Not cases. Yes,  
9 sir. And before -- Cary can speak to that  
10 probably better than I can. But there was  
11 a formula used to weigh that factor in so  
12 the counties that did multi-count  
13 indictments in circuit court. You know,  
14 now, instead of using that formula to kind  
15 of lump them all in together, we separately  
16 count each one of those in every county.

17 HON. VERIN: Is that the first  
18 time that's been done with this study?

19 MR. GREGORY: For the -- this --  
20 these numbers --

21 HON. VERIN: Yes.

22 MR. GREGORY: Yes, sir. This  
23 whole three years of data that we have

1 collected is all in there. So...

2 MR. HOBSON: For three years.

3 HON. REID: Three years, right.

4 MS. McMILLAN: Well, it goes back  
5 to 2016.

6 MR. GREGORY: Right.

7 CHIEF JUSTICE PARKER: Let me just  
8 ask that the first time that any of you  
9 speak, please identify yourself for the  
10 sake of our court reporter.

11 MR. HOBSON: Sorry, Jeana.

12 CHIEF JUSTICE PARKER: And as we  
13 have just heard reference, we now have the  
14 required three years of data that the  
15 statute requires us to have.

16 Okay. Further questions? I  
17 want everybody to feel secure with these  
18 numbers.

19 HON. JONES: Chief?

20 CHIEF JUSTICE PARKER: Yes.

21 HON. JONES: Could I digress for a  
22 second.

23 Okay. I understand that we are

1 here to get the numbers for 2019. That's  
2 abundantly clear. Last -- not last year,  
3 but year before last, okay, when Chief  
4 Stuart was here and we met, we made a  
5 proposal that we all voted on and it  
6 passed, that we were going to recommend  
7 that the Legislature create five  
8 judgeships to go to the most needed  
9 circuits. Can anyone tell me what  
10 happened with that in the Legislature?

11 MR. HOBSON: They did not create  
12 the judgeships. Yes, sir.

13 HON. JONES: Was there a reason?  
14 Was it financial? Or they just didn't  
15 think it was appropriate based on our  
16 recommendation? Am I getting into another  
17 pot?

18 HON. VERIN: They are all pots.

19 HON. JONES: Because I don't want  
20 to do that.

21 CHIEF JUSTICE PARKER: Clyde,  
22 actually the number of judgeships needed is  
23 far beyond that number of five. And I

1 don't have a whole lot of hope that that's  
2 going to be done in the immediate future.  
3 That's a long range goal for us.

4 Regretfully, the Legislature  
5 thinks that the reallocation process will  
6 satisfy the need. But it will fall far  
7 short of that based on these numbers that  
8 we have right now. It would meet less  
9 than half of the total need. And then we  
10 have the factor in there that it can only  
11 be one every two years. So, it's long  
12 term in reaching to less than half of the  
13 need.

14 We have got a judicial system to  
15 rebuild. Many of you around the table  
16 were here in 2003 when the bottom fell  
17 out financially. And for the sake of our  
18 lawyers here, the salaries of officials,  
19 elected officials, whether they are  
20 judges, or circuit court clerks, those  
21 cannot be reduced.

22 And so, it was -- court  
23 specialists and bailiffs that had to be

1 let go so that we can operate on the  
2 limited funds that we were allotted in  
3 the 2003 legislative session. And as a  
4 result of that, we are in a rebuilding  
5 phase right now. That is my purpose in  
6 this term that I have is to restore this  
7 judicial system, to put flesh back on the  
8 bones. We started with the court  
9 specialist in the last legislative  
10 session, and I am glad to be able to  
11 report that we were able to get those  
12 back to where they needed to be based on  
13 the manpower studies that we had.

14 This year, we are going to be  
15 focusing on courtroom security. We have  
16 a changed climate in our culture since  
17 2003 when we lost the courtroom security.  
18 And so, we are going to be pushing that  
19 this year, along with the Judicial  
20 Compensation Commission recommendations  
21 for salary restructuring for judges. And  
22 then we will start looking at the --  
23 those other items.

1                   Now, I will leapfrog to  
2 something in your packet. We have a bill  
3 that is called the Interim Judge's Bill.

4                   MR. RUSSELL: It's the last item  
5 in your packet, Chief Justice.

6                   CHIEF JUSTICE PARKER: It's the  
7 last item. And I will have to tell you  
8 that when I was legal director of AOC, I  
9 butted heads with the Retirement System of  
10 Alabama over a statute that was written and  
11 intended to allow us to bring back retired  
12 judges for one-fourth of their salary.  
13 That's a great savings for the judicial  
14 system to be able to fill a need with only  
15 one-fourth of the cost.

16                   But RSA said that the language  
17 used was inappropriate. They would not  
18 recognize its implementation. In  
19 contrast to that, we had the language  
20 correctly in those similar provisions  
21 that dealt with the appellate courts.  
22 And as many of you will remember, Janie  
23 Shores came back and worked for a time



1 under that provision at the Alabama  
2 Supreme Court, and Governor Patterson  
3 continued to work on the court of  
4 criminal appeals under that provision.

5 So, we saw it in operation, but  
6 we were denied the ability to do that  
7 with circuit and district court judges.

8 So, I have put together  
9 legislation to correct that language and  
10 gotten the blessings of RSA with one  
11 change, and it was the title. It was not  
12 to be called "Retired Judges," but  
13 "Interim Judges," which I am fine with  
14 because that shows that this is just a  
15 stopgap measure for a real existing need  
16 that we have.

17 We had the Majority Leader in  
18 the House, Nathaniel Ledbetter, pushed me  
19 for this because his DeKalb County  
20 district court judge has the highest  
21 caseload of any district court judge in  
22 the state. It's 2.31 now by this use of  
23 data.

1 MR. HOBSON: Yes, sir.

2 CHIEF JUSTICE PARKER: And then  
3 Mac McCutcheon, the Speaker of the House,  
4 came to me wanting that need for Madison  
5 County filled. And so, with that, I threw  
6 this in mid-session, and we almost got it  
7 passed.

8 I am hopeful that this might  
9 even be included in the prison commission  
10 recommendation, because we need a full  
11 bench to deal with whatever we are thrown  
12 in terms of resentencing or some of these  
13 specialized courts that we want to see  
14 expanded right now.

15 And so, this is going to provide  
16 us some relief, but, again, it's just  
17 interim before we can get to actually  
18 having the full-time judges financed and  
19 authorized through the Legislature.

20 HON. VERIN: Chief, I -- this is  
21 Eugene Verin from Bessemer. I had thought  
22 about something like this for the past  
23 couple of years.

1           First, in the context of  
2           immigration judges, there is a great  
3           deficit nationally on those. And I  
4           thought if you have a plenty of retired  
5           judges, if they were given a little bit  
6           of compensation, could help to fill that  
7           need nationwide. And then I thought the  
8           same thing could happen right here.

9           So, I am pleased that you  
10          thought ahead of this and proposed it --  
11          and are going to propose it, because I  
12          think if this is going to be a great  
13          interim measure to help alleviate our  
14          shortage of judges.

15          CHIEF JUSTICE PARKER: Well -- and  
16          I will point out something that we tweaked  
17          with this. The statute as originally  
18          written talked about one-fourth of their  
19          retirement pay. We have written it in  
20          terms of one-fourth of the salary then in  
21          existence for a circuit or district judge  
22          at their level of experience.

23          So, hopefully we can attract

1       some of these experienced retired judges  
2       back out of private practice.

3               MR. HOBSON: Chief Justice Parker,  
4       just to add onto what you are saying,  
5       what's just been passed out to you, these  
6       are the circuits and then the counties  
7       where we are asking for this interim  
8       judge -- interim judges to be filled in  
9       those different counties.

10              So, it's a total of 19, and it's  
11       based on those needs that you have in the  
12       other two sheets of data.

13              CHIEF JUSTICE PARKER: And, Judge  
14       Jones, this shows you the growth of that  
15       number beyond five that was proposed last  
16       year. And these are based on weighted  
17       caseload studies that show the need of at  
18       least one. We don't do it if it's less  
19       than one-fourth judgeship. If it's point  
20       nine, they are not included.

21              HON. JONES: So, the first -- I  
22       mean, the last five are the same circuits  
23       that were the most needed back in 2013

1 according to my information that I have.  
2 It looks like the first two are the only  
3 ones that's been added.

4 And having been the old  
5 assistant DA in Macon County, I'm glad to  
6 see they are getting another judge.

7 MR. HOBSON: Right. They are  
8 busy.

9 CHIEF JUSTICE PARKER: Yeah. And,  
10 in fact, when you look at the third from  
11 the bottom under circuit Autauga, Chilton  
12 and Elmore, numerically they need two out  
13 of five. The caseload per judge they are  
14 at the very top.

15 Okay. We digressed a little  
16 getting into some background on this.  
17 Let's keep focused on circuit, the data  
18 that we have given you.

19 Any further questions on that or  
20 discussion?

21 (No response.)

22 CHIEF JUSTICE PARKER: Well, may  
23 we move then to the district court numbers,

1 please.

2 MS. McMILLAN: And this is Cary  
3 McMillan.

4 And the district court case  
5 numbers didn't change a whole lot, but I  
6 do want to point out that where you see  
7 district judges doing circuit work, I  
8 want to explain what that is a little  
9 bit.

10 Usually it is, in your smaller  
11 counties, your district judges will do  
12 the domestic relations cases. And then  
13 we have a lot of district judges doing  
14 the protection from abuse cases, because  
15 they come up and need to be heard  
16 immediately. And the district judge is  
17 the one in the county every day; whereas,  
18 the circuit judge is riding from county  
19 to county.

20 So, for -- that's where you  
21 really see that circuit work being  
22 done -- district judges doing circuit  
23 work, which takes out of the district

1 judge the ability -- you know. So, it  
2 adds it to the circuit court, and it  
3 subtracts it from the district court.  
4 They are the same on each page, but I  
5 just wanted to explain that.

6 Also, we have some juvenile  
7 courts that are family courts. And in  
8 that we have to -- well, we have two --  
9 that the presiding judge is the circuit  
10 court judge, but there are other judges  
11 in the family court that are district  
12 court judges.

13 So, what happens when we do that  
14 is then those judges, basically, become  
15 circuit court judges for juvenile even  
16 though juvenile can be heard in either  
17 jurisdiction and child support, as  
18 well -- juvenile and child support.

19 So, I just wanted to kind of  
20 explain why that happens. And so that  
21 when you see these numbers, you will know  
22 what they are.

23 CHIEF JUSTICE PARKER: And, Judge

1 Jones, I would point out that number one  
2 and number 68 break out the divisions of  
3 Jefferson County.

4 HON. JONES: Chief, I have a  
5 question. Clyde Jones -- you're probably  
6 tired of writing my name, over there.

7 But as you know, the Legislature  
8 raised the limits of district court from  
9 \$10,000 to \$20,000 limit. So, in  
10 Jefferson County, being the largest  
11 county in the state, we will get a great  
12 influx of cases in district court civil.  
13 Now, we have only had three district  
14 court civil judges.

15 So, now those same three  
16 district court judges in the civil  
17 division are being called upon to handle  
18 an additional 50 percent increase in the  
19 amount of cases that are filed in their  
20 court with no additional judge being --  
21 judgeship being assigned to the district  
22 court civil division, which, you know,  
23 raises a lot of money for the State of



1 Alabama.

2 And I just a want to say that  
3 those judges came to me, and they wanted  
4 me to share that with this Commission,  
5 that they have received a great increase  
6 in the number of filings incoming into  
7 their court, and that became effective  
8 just this year.

9 So, I guess you will say it will  
10 be in next year's numbers, but I wanted  
11 to share their expressions.

12 MR. GREGORY: And this is Michael  
13 Gregory, and I can speak a little to that.

14 Next year, Judge, of course it  
15 will -- district civil will increase the  
16 number of filings, I assume. And we have  
17 noticed things like that, even when  
18 adding -- or increasing the small claims  
19 jurisdiction, or the limit amount. Those  
20 increased, as well, the number of filings  
21 in those, but those will all be reflected  
22 on the next year's reports.

23 MR. HOBSON: And -- this is Rich

1 Hobson.

2 And there is not a vacancy right  
3 now. So, we are just -- you know, this  
4 is the big picture.

5 HON. JONES: They need another  
6 judge, Rich. I am not talking about  
7 next -- they need another judge in district  
8 court civil. I am just putting it out  
9 there.

10 MR. HOBSON: Yes, sir.

11 HON. JONES: They need another  
12 judge.

13 HON. VERIN: You know, funny -- a  
14 very funny story, but -- well, actually,  
15 not so funny. But I was up at Auburn with  
16 Jack Lowder, and we were there for some  
17 kind of meeting. And Jack Lowder, who is a  
18 retired district judge, I went out to do my  
19 walk at 5:00 in the morning, he was up  
20 there on Alacourt doing his cases on a  
21 Saturday at 5:00 in the morning just to  
22 keep up.

23 So, you know, it's not going to

1 get any better. And the fact is -- I am  
2 not saying that to tell anybody anything  
3 new, because we all know that. So, I'm  
4 just putting it out there.

5 HON. JONES: I can remember a few  
6 years ago where he received an award for  
7 handling the most cases in the State of  
8 Alabama. I think it was around 18,000, if  
9 my memory serves.

10 HON. VERIN: That's why he is  
11 retired.

12 CHIEF JUSTICE PARKER: Any other  
13 questions?

14 (No response.)

15 CHIEF JUSTICE PARKER: Well, one  
16 thing we are going to have to do is  
17 actually vote on these circuit and district  
18 court numbers, so that we can recommend  
19 these to the -- to the governor and to the  
20 Legislature.

21 So, let's start with a motion  
22 dealing with the circuit court data. Let  
23 somebody move adoption of that.

1                   HON. NEWELL: This is Mike Newell  
2                   from Winston County. I make a motion that  
3                   we adopt the numbers.

4                   CHIEF JUSTICE PARKER: And a  
5                   second?

6                   MR. STEPHENS: I'll second.  
7                   Harold Stevens from Madison County.

8                   CHIEF JUSTICE PARKER: Okay.  
9                   There's been a motion and a second so,  
10                  everybody in favor of adopting the circuit  
11                  court numbers, can I see -- signify by  
12                  saying "aye."

13                  (Commission members saying  
14                  "aye.")

15                  CHIEF JUSTICE PARKER: And anybody  
16                  in opposition by saying "no."

17                  (No response.)

18                  CHIEF JUSTICE PARKER: The ayes  
19                  have it and has passed.

20                  Let's do the same thing with the  
21                  district court numbers. There was less  
22                  discussion, but some tense discussion  
23                  about that. But it's apparently for the

1 future that we will see that change. So,  
2 do I hear a motion to adopt the district  
3 court numbers?

4 HON. CRENSHAW: Chief, Clay  
5 Crenshaw. I so move.

6 CHIEF JUSTICE PARKER: That's from  
7 the Attorney General's office.

8 And do I hear a second for that  
9 motion?

10 HON. NEWELL: Chief, Mike Newell,  
11 Winston County. I will second the motion.

12 CHIEF JUSTICE PARKER: Okay. We  
13 have had a motion and a second. So, all in  
14 favor of adopting the district court  
15 caseload numbers, please signify by saying  
16 "aye."

17 HON. VERIN: Point of order --  
18 Eugene Verin. And we just -- an  
19 affirmative vote is simply saying that the  
20 numbers of the case study are being  
21 adopted; is that correct?

22 CHIEF JUSTICE PARKER: Right.

23 HON. VERIN: Not the

1 recommendations at this point.

2 CHIEF JUSTICE PARKER: No.

3 HON. VERIN: Okay.

4 CHIEF JUSTICE PARKER: No. We are  
5 just adopting the background data at this  
6 point.

7 So, with that clarified, let's  
8 have a show of support by "ayes."

9 (Commission members saying  
10 "aye.")

11 CHIEF JUSTICE PARKER: And anybody  
12 opposed by "nay."

13 (No response.)

14 CHIEF JUSTICE PARKER: The ayes  
15 have it.

16 So, if we please show that,  
17 Court Reporter, on this.

18 And then we have got to look at  
19 what the overall need is in this state.  
20 And Administrative Director of Courts,  
21 Dr. Rich Hobson, passed out this that  
22 shows 11 circuit court judges and 8  
23 district court judges. And, Dr. Hobson,

1 would you explain actually how these were  
2 derived from the data that we have  
3 adopted?

4 MR. HOBSON: Yes, sir. Just  
5 looking at the two sheets that you just  
6 approved and also with, I guess, the prior  
7 two years in consideration, as well,  
8 looking at the ranking of it, looking at  
9 the workload that they have, these are the  
10 top in the state. And I would say on those  
11 circuit judges that you have on this list  
12 that says "2020 Unified Judicial System  
13 Needs," the -- in a little while, it's  
14 going to get into workload per judge, which  
15 is caseload -- the minimum on there is  
16 1.24, and the maximum is 1.93. So, that's  
17 each circuit judge doing that much work,  
18 the work of 1.93 judges or the work of 1.24  
19 judges.

20 And on the district judges, the  
21 lowest that we have on that list would be  
22 1.36. So, a judge doing the work of 1.36  
23 judges.

1                   So, those are the needs that we  
2                   have right there. It's not exactly --  
3                   Chief Justice, it is not going by how  
4                   many places out there, how many circuits  
5                   in the state or how many counties in the  
6                   state for district judges have the need  
7                   of one judge over, because actually for  
8                   district judges it would be more than  
9                   this. But we are going for what is the  
10                  dire need right now that we have in this  
11                  state to meet the responsibilities that  
12                  we have and the expectations, and that's  
13                  what we derived right there.

14                 HON. JONES: Excuse me. Clyde  
15                 Jones. Is there a list of the circuits  
16                 and -- of the circuit judges and district  
17                 judges that we are seeing having an  
18                 abundance of judges? Does that make sense,  
19                 like, the opposite of this? Like, are you  
20                 seeing that, you know, four to five  
21                 circuits are you saying have extra judges?

22                 MR. HOBSON: Yes, sir. Well, on  
23                 the two sheets of data that was approved --



1       okay, that were approved, within those  
2       numbers, it shows the excess or not excess  
3       of judges on that list.

4               So, they are ranked, if you see  
5       all the way to the right of both the  
6       district judge, judicial weighted  
7       caseload time study and the circuit  
8       judge, all the way to the right is the  
9       ranking in the state.

10              And then within those numbers in  
11       that synopsis, it also shows what is the  
12       need. For example, if you are looking at  
13       the district judge at the top, you can  
14       see that the ranking for -- or -- and I  
15       am not picking on Jefferson County. It's  
16       just the first one up there. And it  
17       shows the ranking, it shows the surplus  
18       of judges within those ranks, within the  
19       district judges, and then it does the  
20       same for the circuit judges on the other  
21       sheet.

22              HON. VERIN: So, for the  
23       district -- Eugene Verin.

1                   So, then, to be more specific I  
2                   think with Judge Jones' question, in  
3                   terms of finding out which circuits or  
4                   district judges, we can look at the rank  
5                   by inverse order.

6                   MR. HOBSON: Absolutely.

7                   HON. VERIN: So, the highest  
8                   number would be -- for a district judge  
9                   would be Jefferson County, which means that  
10                  you are asking Jefferson County to lose one  
11                  judge. Number 67 would be -- I can see it.

12                 HON. JONES: Sumter. Sumpter  
13                 County.

14                 MR. HOBSON: Sumpter.

15                 HON. VERIN: 67 is Sumter, and so  
16                 on, and so on. I think that that's where  
17                 our interest lies is who is going to get  
18                 the cut.

19                 MR. HOBSON: Yes, sir. Of course,  
20                 right now there is no vacancy, and there is  
21                 -- nobody is being cut today or nobody is  
22                 being added to today. So, actually in our  
23                 recommendation that will come out of here

1       today, we are talking about needs across  
2       the state. So, we are not talking about  
3       who's going to lose a judge. We are  
4       talking about where do we need judgeships.

5               HON. VERIN: And where should they  
6       come from. But at this point, since there  
7       are no vacancies, no one will be moved. Is  
8       that what I am hearing?

9               MR. HOBSON: Today, no, sir.  
10       There are no vacancies right now. Nobody  
11       is being moved.

12              MR. NEWELL: There is no authority  
13       to move anybody.

14              HON. VERIN: That's right. Okay.

15              MR. HOBSON: And actually, if I  
16       can just piggyback on that, so, the letter  
17       that Judge Jones referred to earlier about  
18       the recommendation made by this Commission  
19       last year, and there were five circuit  
20       judgeships on there -- okay? -- and the  
21       letter was sent to the Governor, with, I  
22       believe, a copy to the Legislature saying,  
23       hey, these are where the needs are, and

1 we encouraged the Legislature to fund these  
2 judgeships, because there is a terrific  
3 need here. We plan to do the same thing  
4 after this body approves a list of where  
5 the needs are. And, again, we will ask the  
6 Legislature to do that.

7 But I think before you had said  
8 why didn't that happen? It is the money.  
9 It is the money of creating the  
10 judgeship. And that's why it hasn't  
11 happened in the past, and that's why, as  
12 Chief Justice Parker mentioned, we feel  
13 that that probably won't happen this  
14 year, either. But because of that  
15 reality of the revenue in the State of  
16 Alabama, that's why Chief Justice Parker  
17 has initiated this whole interim  
18 judgeship.

19 So, that may be too long of an  
20 answer about that, but...

21 HON. VERIN: Right. So, at this  
22 point, we are being asked to adopt the  
23 recommended needs?

1 MR. HOBSON: Needs. That's right.

2 HON. VERIN: Okay?

3 MR. HOBSON: Correct.

4 HON. VERIN: Will we be asked to  
5 adopt a ranking of circuits and district  
6 judges -- district courts where the needs  
7 should be fulfilled from? And so that  
8 later on in the year, if there does come a  
9 vacancy it will -- that need will be met,  
10 if you understand my question.

11 MR. HOBSON: I do, and I defer to  
12 Chief Justice Parker.

13 CHIEF JUSTICE PARKER: Yeah.  
14 Gene, I think you said the need would be  
15 filled from, and we are not dealing with  
16 from, who is going to lose. We are dealing  
17 with who needs.

18 HON. VERIN: That's all. The  
19 need?

20 MR. RUSSELL: Today. Today.

21 MR. HOBSON: And the reason is  
22 because there is not a vacancy. And we  
23 need the Commission to bless the numbers

1           that we have here, just as you have done  
2           these prior two years, and we are just  
3           moving forward from that.

4                   HON. VERIN:  If there becomes --  
5           Eugene Verin.  If there becomes a vacancy,  
6           do we have to meet again?

7                   CHIEF JUSTICE PARKER:  Yes.  
8           That's --

9                   MR. HOBSON:  Yes, sir, we do.

10                  CHIEF JUSTICE PARKER:  We have to  
11           make a recommendation and within 30 days of  
12           a vacancy.  So, we will have a speed dial  
13           attempt to set up a meeting here.

14                  MR. HOBSON:  That's right.  And  
15           you --

16                  CHIEF JUSTICE PARKER:  But we have  
17           to have a majority present.

18                  HON. VERIN:  Well, Chief -- Eugene  
19           Verin.  That seems about an hour of stuff I  
20           was going to say.

21                  CHIEF JUSTICE PARKER:  Well, and  
22           let me make sure that everybody understands  
23           the interpretation of these numbers, and

1 let's go to the district court data that we  
2 were looking at last.

3 And Judge Jones was talking  
4 about Birmingham, number one. You can  
5 see in the second column from the right  
6 there is a plus number there, 1.83.  
7 Contrast that with Mobile County which  
8 has a negative number, 1.78. That means  
9 that Mobile needs one full district  
10 judge, and we will not fill a .78 need.

11 MR. HOBSON: Correct.

12 CHIEF JUSTICE PARKER: So, that's  
13 how you can look down and determine who has  
14 excess based on the weighted caseload study  
15 and who has a need. But by and large, it's  
16 all needs.

17 HON. JONES: I don't know, Chief.  
18 I just wonder, because of district court  
19 civil's increased filing, then would it be  
20 right to make decisions not taking that  
21 into consideration? Instead of up to  
22 10,000, now it's up to 20,000? To me this  
23 just seems that it's going to have a large

1 effect -- a great effect on the number of  
2 filings all over the state; not just  
3 Jefferson, but Montgomery, Mobile and  
4 Baldwin and Madison. And I just don't know  
5 if it would be proper or correct to make a  
6 decision in 2020 which is different --  
7 totally different than what happened in  
8 2019. Does that makes sense? The numbers  
9 are going to change greatly. It's not like  
10 the difference between 2018 and 2019. We  
11 have a big change here.

12 HON. REID: Jim Reid, Baldwin  
13 County.

14 Judge, you are just moving those  
15 cases from circuit court to district  
16 court. It's not going to be any  
17 different cases. You are just moving  
18 them from one court to the other. Now  
19 they can file in district court, pay a  
20 lower filing fee, rather than file in  
21 circuit court and pay a higher filing  
22 fee.

23 HON. JONES: But you are still



1           putting more -- Clyde Jones.

2                     You're still putting more work  
3           on the district judges without giving  
4           them any more --

5                     CHIEF JUSTICE PARKER: Judgeships.

6                     HON. JONES: -- judgeships or  
7           staff or anything.

8                     HON. REID: Well, when I was on  
9           the bench active, I heard district court  
10          cases when we needed them. A circuit judge  
11          can hear district court cases.

12                    HON. JONES: In Jefferson County?

13                    HON. REID: We did it in Baldwin  
14          County.

15                    HON. VERIN: By special  
16          appointment, sure.

17                    HON. REID: Sure.

18                    HON. JONES: Is there an exception  
19          in Jefferson County?

20                    HON. REID: I don't think you even  
21          need a special appointment. I think a  
22          district -- I mean, a circuit judge can  
23          hear a district court case without a

1 special appointment.

2 HON. VERIN: You know, we had a  
3 discussion in Bessemer, and we came to the  
4 office and said -- and we just had the  
5 presiding judge appoint us as a --

6 MR. HOBSON: That's right. They  
7 did. To fill the need.

8 HON. REID: That would be the  
9 easiest. That would be the easiest way to  
10 do it if there is a question.

11 MR. NEWELL: Mike Newell, from  
12 Winston County. I think, Judge Jones,  
13 getting to your point, if a vacancy would  
14 arise and we reconvene for a meeting, you  
15 certainly have the argument to make,  
16 because it still requires a two-thirds  
17 vote. We -- it's based -- It's predicated  
18 upon the data, but any argument made and  
19 new factors being considered, certainly the  
20 Commission could consider those.

21 CHIEF JUSTICE PARKER: Well -- and  
22 for those who don't know, we are blessed  
23 that two of our lawyer appointments are

1       retired judges. So, they bring a lot to  
2       the table in experience as a judge and  
3       through the long process of getting us here  
4       today with the first permutation of a study  
5       and then the corrections that had to be  
6       made to that to get us to the full three  
7       years of data that we have now with the  
8       approval of these.

9               HON. VERIN: Chief, it's always  
10       good to be called old.

11              MR. NEWELL: It's good to have the  
12       ability to --

13              CHIEF JUSTICE PARKER: Experience.  
14       Experience.

15              HON. VERIN: It's good to be here.

16              MS. McMILLAN: May I say one  
17       thing, too?

18              CHIEF JUSTICE PARKER: Please,  
19       Cary.

20              MS. McMILLAN: Cary McMillan.

21              I did want to point out that we  
22       do have -- we know that we only have 67  
23       counties in the State of Alabama. And we

1 do break out Jefferson, Birmingham and  
2 create the 68.

3 So, that is not -- We do that  
4 just to be able to break out those  
5 numbers. And so, we -- that's why we  
6 have 68 instead of 67.

7 CHIEF JUSTICE PARKER: Well, I  
8 would like for this Commission to do what  
9 was done last year; and that is, recommend  
10 the number of judgeships needed to the  
11 Governor and to the Legislature so they  
12 keep that figure in front of them as they  
13 plan for the future.

14 And so, let's see. Is there any  
15 further discussion about the circuit  
16 judgeships and district judgeships shown?  
17 And we need full judgeships by these  
18 numbers.

19 HON. VERIN: I will move that we  
20 establish that there is a present need for  
21 11 additional circuit judges and eight  
22 additional district judges throughout the  
23 state.

1 CHIEF JUSTICE PARKER: Good. And  
2 that would be in the form of a  
3 recommendation to the Governor and the  
4 Legislature?

5 HON. VERIN: Yes.

6 HON. JONES: I second the motion.  
7 Clyde Jones.

8 CHIEF JUSTICE PARKER: And all in  
9 favor say "aye."

10 (Commission members saying  
11 "aye.")

12 CHIEF JUSTICE PARKER: All opposed  
13 say "nay."

14 HON. REID: I abstain, Chief. Jim  
15 Reid.

16 CHIEF JUSTICE PARKER: Well, we  
17 have concluded the major portion of our  
18 business.

19 Anything else that we should  
20 discuss, Dr. Hobson?

21 MR. HOBSON: I do have something  
22 that I would like to talk about, and it  
23 comes under -- all right. And it falls

1 under the statute. And, you know, we have  
2 look at the data that we have already voted  
3 on and the discussions that we have had.  
4 And, you know, number five within the  
5 statute says: Any other information deemed  
6 relevant by the Judicial Resource  
7 Allocation Commission. Okay?

8 So, this handout that I just  
9 passed out is something that I want us to  
10 keep in mind to talk about in the future,  
11 you know, if a vacancy ever does come up  
12 and we reconvene and these are some other  
13 things that I want us to consider. And  
14 specifically on here, it's talking about  
15 the workload per judge. Okay? And on  
16 the first sheet, you can see four columns  
17 from the right. You can see where it  
18 says, "workload per judge." And then  
19 right next to that, to the right of it,  
20 it says, "the rank per circuit judge."  
21 Okay?

22 Now, this is taking the need of  
23 judges, the ultimate number of judges

1       that you need within an area, whether  
2       it's circuit or district judge within the  
3       county, and divided by how many you have.  
4       Okay? And it comes up with the workload  
5       for circuit judge.

6               So, earlier when Chief Justice  
7       Parker was talking about a circuit where  
8       their workload is 1.93 judges per each  
9       circuit judge -- that's Autauga, Chilton,  
10      Elmore and the workload per circuit judge  
11      is 1.93 -- they each do the work of 1.93  
12      judges. All right? That is something  
13      that we need to take into consideration,  
14      I believe, in future meetings where we  
15      will meet.

16             You know, on the district court  
17      side -- okay? -- when you look on page  
18      two, if you will look down to -- let's  
19      see.

20             CHIEF JUSTICE PARKER: 28.

21             MR. HOBSON: That's right. DeKalb  
22      County. Thank you. DeKalb County, and  
23      it's county number 28, so it's about the

1 middle of the page there. Workload per  
2 judge, 2.31. All right? Now, he  
3 consistently -- and that's Judge Whitmire  
4 in DeKalb County, bless his heart -- he's  
5 one guy. Okay? He consistently is over  
6 two judges. He does the work of over two  
7 judges. Last year it was 2.23. This year  
8 it's 2.31.

9 So, these are just some things I  
10 wanted to make you-all mindful of, and I  
11 have got the top ten rank for both  
12 circuit and district. And it just seems,  
13 in addition to, we are looking at the  
14 need across the state which is based on  
15 raw judges need. And then we look at  
16 population; we can talk about that. We  
17 can talk about all these different  
18 things. We can talk about what you were  
19 talking about, Judge Jones, about -- hey,  
20 there's some new legislation introduced  
21 and how that might affect. And I know  
22 that happens every year.

23 But I did want to pass this out,



1 and it just shows the top ten by workload  
2 per circuit judge and district judge.

3 CHIEF JUSTICE PARKER: Rich, is  
4 this to prepare us if we have to have a  
5 special called meeting?

6 MR. HOBSON: That's correct. That  
7 is correct. And, you know, the whole thing  
8 about, you know, what somebody asked, you  
9 know, do you mean that we have to come back  
10 together again to talk about this? Yes.  
11 And that is the importance of this  
12 Commission right here.

13 So, this isn't just some kind  
14 of, oh, we are on a committee, that kind  
15 of thing. This is a very, very important  
16 Commission that has to do with future  
17 judicial needs of the entire state.

18 So, when that call or email or  
19 letter comes out, I urge you to please be  
20 in attendance. But right now there is no  
21 vacancy, and that's what we have got.

22 CHIEF JUSTICE PARKER: Any further  
23 business or discussion?

1                   HON. VERIN: Chief, there's one  
2                   last thing, and I know that we are getting  
3                   ready to break. But with regard to the  
4                   bill that was introduced last time about  
5                   the retired judges --

6                   CHIEF JUSTICE PARKER: Yeah.  
7                   Interim judges.

8                   HON. VERIN: Interim. Okay.  
9                   Interim judges.

10                  CHIEF JUSTICE PARKER: Reprogram  
11                  my mind on that.

12                  HON. VERIN: Well, on the  
13                  synopsis, it says: Under existing law,  
14                  retired justices and judges may be called  
15                  into active duty status, and are  
16                  compensated for their services.

17                  We are not compensated.

18                  CHIEF JUSTICE PARKER: Well, that  
19                  was the intent of the original statute that  
20                  RSA prohibited us to put into effect for  
21                  circuit and district judges. So, we are  
22                  going in and correcting the language in  
23                  that existing statute.

1 HON. VERIN: Okay. I got you.

2 Okay. I am satisfied.

3 HON. REID: Chief, I have a  
4 question.

5 CHIEF JUSTICE PARKER: Yes.

6 HON. REID: Jim Reid. Are we  
7 going to identify the judges who are going  
8 to age out at the end of this year who  
9 cannot run for reelection as provided for  
10 in this statute?

11 CHIEF JUSTICE PARKER: We need to  
12 get that done. And why don't we -- we have  
13 got a mailing list. Why don't we send that  
14 out to everyone?

15 HON. REID: Okay. We have to  
16 provide that information to the Secretary  
17 of State?

18 CHIEF JUSTICE PARKER: No, just --  
19 let's clarify this. It's those who will --  
20 not that they age out at a point in time.  
21 It's those who will not be able to run for  
22 reelection --

23 HON. REID: Correct. Correct.

1 CHIEF JUSTICE PARKER: -- because  
2 they have aged out.

3 HON. REID: Yes. Correct.

4 MR. HOBSON: And that's why you  
5 are on here, Judge Reid, because you are  
6 good with detail.

7 HON. REID: And I am aged out.

8 CHIEF JUSTICE PARKER: Now, I will  
9 tell you, the age requirement does not  
10 apply to the interim judge's bill.

11 HON. REID: Okay. Okay.

12 MR. GREGORY: And, Judge, I don't  
13 think you aged out. You just became  
14 ineligible to run for reelection due to  
15 your life experience.

16 HON. REID: Thank you. I  
17 appreciate that.

18 CHIEF JUSTICE PARKER: Well,  
19 seeing no further business, I declare this  
20 that meeting is now adjourned. We have a  
21 little time before lunch. Yes?

22 MR. HOBSON: Could I just say one  
23 more thing before everybody gets out of

1           here, and -- if you don't mind, Chief  
2           Justice Parker.

3                     And that's -- you know, Michael,  
4           this is his full-time job. He does this  
5           all the time. Okay? And Cary McMillan,  
6           bless her heart, you know, she's the  
7           person who is tasked with making sure  
8           everything is right or blessing it,  
9           basically. And she is the Director of  
10          the Family Court Division downstairs at  
11          AOC where she has all the juvenile  
12          probation officers and all of the court  
13          referrals. She has a large, large job.

14                    And I just -- I thank you very  
15          much, Cary McMillan, for taking on this  
16          additional duty, and it is because of  
17          your experience and knowhow is why you  
18          have to keep doing it. But I do want to  
19          thank you in front of everybody, that  
20          it's an extra duty for Cary, but she does  
21          a wonderful job.

22                    HON. REID: She does a great job.  
23          Thank you.

1 (Applause.)

2 HON. VERIN: And, Chief, I just  
3 wanted to acknowledge the members of the  
4 Alabama Lawyers Association who are  
5 present. They appointed -- Well, they  
6 asked me to represent them on this  
7 Commission, and we have got Stephanie  
8 Hunter, who is the immediate past  
9 president. We have got Leon Hampton, who  
10 is the incoming president, and along with  
11 Al Wilcox, who is a faithful member. I  
12 appreciate them being here. They wanted to  
13 make sure I did well. So --

14 CHIEF JUSTICE PARKER: And in  
15 addition to them, we have a total of four  
16 observers for this. So, it shows that the  
17 public notice worked.

18 MR. HOBSON: That's right.

19 CHIEF JUSTICE PARKER: Now, we do  
20 have about 20 minutes before lunch is going  
21 to be served. And if any of you would like  
22 to come up to my chambers, I would invite  
23 you and show you the historic gym that I

1 have up there.

2  
3 (Conclusion of Judicial  
4 Resource Allocation Committee  
5 Meeting at 11:11 a.m.)  
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REPORTER'S CERTIFICATE

STATE OF ALABAMA,

CHILTON COUNTY,

I, Jeana S. Boggs, Certified Court Reporter  
and Commissioner for the State of Alabama at Large,  
do certify that I reported the proceedings in the  
matter of:

BEFORE THE STATE OF ALABAMA

JUDICIAL RESOURCE ALLOCATION COMMISSION

HEFLIN-TORBERT

JUDICIAL BUILDING

THURSDAY, JANUARY 9, 2020

10:00 a.m.

\* \* \* \* \*

On Thursday, January 9th, 2020.

The foregoing 157 computer-printed pages  
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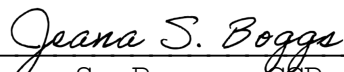
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<p><b>CHIEF JUSTICE PARKER:</b> [69] 3/13 5/9 5/13 6/21 7/3 9/2 10/11 12/6 12/15 14/16 21/9 21/13 22/8 22/16 23/8 26/4 28/7 28/12 28/20 29/21 32/6 34/2 35/15 36/13 37/9 37/22 39/23 43/12 43/15 44/4 44/8 44/15 44/18 45/6 45/12 45/22 46/2 46/4 46/11 46/14 53/13 54/7 54/10 54/16 54/21 55/12 57/5 58/21 59/13 59/18 60/7 61/1 61/8 61/12 61/16 63/20 65/3 65/22 66/6 66/10 66/18 67/5 67/11 67/18 68/1 68/8 68/18 70/14 70/19</p> <p><b>HON. CARTER:</b> [1] 5/19</p> <p><b>HON. COLLINS:</b> [1] 4/22</p> <p><b>HON. CRENSHAW:</b> [1] 45/4</p> <p><b>HON. JONES:</b> [34] 5/2 12/20 13/6 13/19 14/21 15/19 16/11 16/18 18/6 18/21 19/1 19/11 19/18 19/21 21/1 21/8 22/15 28/19 28/21 29/13 29/19 36/21 40/4 42/5 42/11 43/5 48/14 50/12 55/17 56/23 57/6 57/12 57/18 61/6</p> <p><b>HON. NEWELL:</b> [3] 5/16 44/1 45/10</p> <p><b>HON. REID:</b> [30] 6/11 23/6 23/9 23/16 23/20 24/5 24/12 24/15 25/3 25/7 25/11 25/13 27/6 28/3 56/12 57/8 57/13 57/17 57/20 58/8 61/14 67/3 67/6 67/15 67/23 68/3 68/7 68/11 68/16 69/22</p> <p><b>HON. VERIN:</b> [42] 5/6 5/11 19/8 20/5 20/13 20/17 20/22 26/5 26/22 27/1 27/7 27/17 27/21 29/18 34/20 42/13 43/10 45/17 45/23 46/3 49/22 50/7 50/15 51/5 51/14 52/21 53/2 53/4 53/18 54/4 54/18 57/15 58/2 59/9 59/15 60/19 61/5 66/1 66/8 66/12 67/1 70/2</p> <p><b>MR. CRENSHAW:</b> [1] 6/16</p> <p><b>MR. DUPRE:</b> [1] 6/6</p> <p><b>MR. GREGORY:</b> [22] 6/1 16/8 16/17 16/19 17/23 18/23 19/17 19/20 21/21 23/21 24/10 24/14 25/14 26/20 26/23 27/3 27/8 27/19 27/22 28/6 41/12 68/12</p> <p><b>MR. HOBSON:</b> [41] 2/20 3/9 3/12 6/4 7/2 18/17 20/7 20/15 20/19 21/5 21/12 25/6 28/2 28/11 29/11 34/1 36/3 37/7 41/23 42/10 47/4 48/22 50/6 50/14 50/19 51/9 51/15 53/1 53/3 53/11 53/21 54/9 54/14 55/11 58/6 61/21 63/21 65/6 68/4 68/22 70/18</p> <p><b>MR. NEWELL:</b> [4] 21/6 51/12 58/11 59/11</p> <p><b>MR. RUSSELL:</b> [4] 6/8 7/8 32/4 53/20</p> <p><b>MR. STEPHENS:</b> [2] 6/13 44/6</p> <p><b>MR. WILL PARKER:</b> [1] 6/19</p> <p><b>MS. McMILLAN:</b> [22] 5/21 7/6 7/10 9/5 10/23 12/13 13/1 13/8 14/3 15/18 15/22 17/14 23/14 23/17 24/17 25/10 25/12 27/5 28/4 38/2 59/16 59/20</p>	<p>.</p> <p><b>.78</b> [1] 55/10</p> <p><b>1</b></p> <p><b>1.12</b> [1] 8/2</p> <p><b>1.18</b> [1] 8/3</p> <p><b>1.24</b> [2] 47/16 47/18</p> <p><b>1.36</b> [2] 47/22 47/22</p> <p><b>1.78</b> [1] 55/8</p> <p><b>1.83</b> [1] 55/6</p> <p><b>1.93</b> [5] 47/16 47/18 63/8 63/11 63/11</p> <p><b>10</b> [3] 12/21 14/2 26/1</p> <p><b>10,000</b> [2] 9/15 55/22</p> <p><b>10:00</b> [3] 1/5 1/19 72/13</p> <p><b>10th</b> [1] 25/21</p> <p><b>11</b> [3] 26/2 46/22 60/21</p> <p><b>11:11</b> [1] 71/5</p> <p><b>11th</b> [1] 25/21</p> <p><b>13th</b> [1] 3/21</p> <p><b>157</b> [1] 72/16</p> <p><b>16</b> [2] 19/23 20/2</p> <p><b>17</b> [1] 23/10</p> <p><b>18,000</b> [1] 43/8</p> <p><b>19</b> [1] 36/10</p> <p><b>2</b></p> <p><b>2.23</b> [1] 64/7</p> <p><b>2.31</b> [3] 33/22 64/2 64/8</p> <p><b>20</b> [3] 14/8 70/20 73/12</p> <p><b>20,000</b> [1] 55/22</p> <p><b>2003</b> [3] 30/16 31/3 31/17</p> <p><b>2013</b> [1] 36/23</p> <p><b>2016</b> [1] 28/5</p> <p><b>2018</b> [1] 56/10</p> <p><b>2019</b> [7] 19/3 21/4 21/11 25/20 29/1 56/8 56/10</p> <p><b>2020</b> [10] 1/4 1/20 10/14 23/1 47/12 56/6 72/12 72/15 73/7 73/16</p> <p><b>2022</b> [1] 73/13</p> <p><b>22</b> [1] 15/14</p> <p><b>23</b> [2] 15/13 16/12</p> <p><b>24</b> [1] 7/21</p> <p><b>25th</b> [1] 5/20</p> <p><b>28</b> [2] 63/20 63/23</p> <p><b>3</b></p> <p><b>30</b> [2] 22/14 54/11</p> <p><b>300</b> [1] 1/18</p> <p><b>30th</b> [1] 73/6</p> <p><b>36</b> [3] 7/22 8/10 23/19</p> <p><b>5</b></p> <p><b>50 percent</b> [1] 40/18</p> <p><b>5:00</b> [2] 42/19 42/21</p> <p><b>6</b></p> <p><b>67</b> [4] 50/11 50/15 59/22 60/6</p> <p><b>68</b> [3] 40/2 60/2 60/6</p> <p><b>7</b></p> <p><b>7th</b> [1] 25/22</p> <p><b>8</b></p> <p><b>8/9/2022</b> [1] 73/13</p> <p><b>83</b> [1] 11/14</p> <p><b>850</b> [1] 11/15</p> <p><b>8th</b> [2] 10/14 23/1</p>	<p><b>9</b></p> <p><b>9/30/20</b> [1] 73/12</p> <p><b>90,300</b> [2] 11/18 11/19</p> <p><b>9TH</b> [3] 1/4 1/20 72/15</p> <p><b>A</b></p> <p><b>a.m</b> [4] 1/5 1/20 71/5 72/13</p> <p><b>ability</b> [3] 33/6 39/1 59/12</p> <p><b>able</b> [6] 4/20 31/10 31/11 32/14 60/4 67/21</p> <p><b>about</b> [35] 10/17 10/20 11/8 11/22 15/20 19/15 20/21 20/23 21/17 34/22 35/18 42/6 44/23 51/1 51/2 51/4 51/17 52/20 54/19 55/4 60/15 61/22 62/10 62/14 63/7 63/23 64/16 64/17 64/18 64/19 64/19 65/8 65/10 66/4 70/20</p> <p><b>Absolutely</b> [1] 50/6</p> <p><b>abstain</b> [1] 61/14</p> <p><b>abundance</b> [1] 48/18</p> <p><b>abundantly</b> [1] 29/2</p> <p><b>abuse</b> [1] 38/14</p> <p><b>according</b> [2] 22/9 37/1</p> <p><b>account</b> [3] 9/16 12/9 12/12</p> <p><b>accounted</b> [4] 16/20 17/4 18/12 22/2</p> <p><b>ACCR</b> [2] 73/4 73/12</p> <p><b>accurately</b> [1] 21/7</p> <p><b>acknowledge</b> [1] 70/3</p> <p><b>across</b> [2] 51/1 64/14</p> <p><b>Act</b> [1] 3/19</p> <p><b>active</b> [3] 6/11 57/9 66/15</p> <p><b>actually</b> [11] 8/4 14/5 16/9 29/22 34/17 42/14 43/17 47/1 48/7 50/22 51/15</p> <p><b>add</b> [3] 11/16 22/9 36/4</p> <p><b>added</b> [3] 18/11 37/3 50/22</p> <p><b>adding</b> [1] 41/18</p> <p><b>addition</b> [3] 15/13 64/13 70/15</p> <p><b>additional</b> [5] 40/18 40/20 60/21 60/22 69/16</p> <p><b>adds</b> [1] 39/2</p> <p><b>adjourned</b> [1] 68/20</p> <p><b>Administrative</b> [6] 3/3 5/23 6/2 6/5 6/10 46/20</p> <p><b>admit</b> [1] 9/7</p> <p><b>adopt</b> [4] 44/3 45/2 52/22 53/5</p> <p><b>adopted</b> [2] 45/21 47/3</p> <p><b>adopting</b> [3] 44/10 45/14 46/5</p> <p><b>adoption</b> [1] 43/23</p> <p><b>affect</b> [1] 64/21</p> <p><b>affirmative</b> [1] 45/19</p> <p><b>after</b> [1] 52/4</p> <p><b>AG</b> [1] 6/18</p> <p><b>again</b> [6] 13/11 26/14 34/16 52/5 54/6 65/10</p> <p><b>against</b> [2] 8/10 8/14</p> <p><b>age</b> [3] 67/8 67/20 68/9</p> <p><b>aged</b> [3] 68/2 68/7 68/13</p> <p><b>ago</b> [2] 26/8 43/6</p> <p><b>agreement</b> [1] 26/16</p> <p><b>ahead</b> [2] 26/4 35/10</p> <p><b>AI</b> [1] 70/11</p> <p><b>ALABAMA</b> [19] 1/1 1/17 1/19 3/22 5/1 5/11 7/11 10/13 32/10 33/1 41/1 43/8 52/16 59/23 70/4 72/2 72/5 72/8 73/3</p> <p><b>Alacourt</b> [1] 42/20</p> <p><b>all</b> [35] 6/22 14/1 15/20 16/3 17/3 17/4 18/12 19/14 21/8 22/17 26/18 27/15 28/1 29/5 29/18 41/21 43/3 45/13 49/5</p>
<p><b>\$</b></p> <p><b>\$10,000</b> [1] 40/9</p> <p><b>\$20,000</b> [1] 40/9</p>		

<p><b>A</b></p> <p><b>all...</b> [16] 49/8 53/18 55/16 56/2 61/8 61/12 61/23 63/12 64/2 64/10 64/17 69/5 69/11 69/12 72/23 73/16</p> <p><b>allegiance</b> [2] 3/6 3/8</p> <p><b>alleviate</b> [1] 35/13</p> <p><b>ALLOCATION</b> [4] 1/2 62/7 71/4 72/9</p> <p><b>allotted</b> [1] 31/2</p> <p><b>allow</b> [1] 32/11</p> <p><b>allowance</b> [1] 13/20</p> <p><b>allows</b> [1] 24/1</p> <p><b>alluded</b> [1] 21/17</p> <p><b>almost</b> [2] 3/15 34/6</p> <p><b>along</b> [3] 22/11 31/19 70/10</p> <p><b>already</b> [2] 3/16 62/2</p> <p><b>also</b> [6] 2/13 9/12 20/5 39/6 47/6 49/11</p> <p><b>always</b> [2] 11/19 59/9</p> <p><b>am</b> [26] 3/2 4/16 4/22 5/16 6/2 6/17 9/10 18/6 18/16 20/23 29/16 31/10 33/13 34/8 35/9 42/6 42/8 43/1 49/15 51/8 67/2 68/7 72/19 72/21 72/22 73/2</p> <p><b>amount</b> [5] 18/1 18/2 19/13 40/19 41/19</p> <p><b>analyst</b> [1] 6/2</p> <p><b>anomaly</b> [2] 7/17 8/18</p> <p><b>another</b> [8] 9/9 14/22 25/23 29/16 37/6 42/5 42/7 42/11</p> <p><b>answer</b> [1] 52/20</p> 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