

BEFORE THE STATE OF ALABAMA  
JUDICIAL RESOURCES ALLOCATION COMMISSION  
HEFLIN-TORBERT JUDICIAL BUILDING  
THURSDAY, JUNE 9TH, 2022  
10:00 A.M.

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**ORIGINAL**

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THE FOLLOWING MEETING was held before the  
Chief Justice Tom Parker, Chairman, taken by Jeana  
S. Boggs, Certified Court Reporter and Commissioner  
for the State of Alabama at Large, at the offices  
of the Heflin-Torbert Judicial Building, 300 Dexter  
Avenue, Montgomery, Alabama, commencing at 10:00  
a.m., Thursday, June 9th, 2022.

1 APPEARANCES:

2 COMMISSION MEMBERS:

3 CHIEF JUSTICE TOM PARKER, CHAIRMAN

4 HON. ZACK COLLINS

5 HON. BRENDETTE BROWN-GREEN

6 HON. BUTCH BINFORD

7 HON. MICHELLE THOMASON

8 MR. CLAYTON CRENSHAW

9 HON. MICHAEL NEWELL

10 MS. REBEKAH MCKINNEY

11 MR. WILL PARKER

12 HON. CHRIS HUGHES

13 MS. STEPHANIE HUNTER

14  
15 ALSO PRESENT:

16 DR. RICH HOBSON

17 MS. CARY MCMILLAN

18 MR. MICHAEL GREGORY

19 MR. TODD RUSSELL

20 MR. BOB MADDOX

21 MR. BEN DUPRÉ

1 OTHERS PRESENT:

2 MS. OLIVE WILCOX

3 HON. ELISABETH FRENCH

4 HON. MICHAEL STREETY

5 SENATOR RODGER SMITHERMAN

6 REPRESENTATIVE CHRIS ENGLAND

7 HON. JOHN ENGLAND

8 MS. TIARA YOUNG-HUDSON

9 PASTOR R. L. PATTERSON

10 REPRESENTATIVE MERIKA COLEMAN

11 MR. BERNARD SIMELTON

12 HON. CLAUDE HUNDLEY

13 HON. U.W. CLEMON

14 HON. PATRICK TUTEN

15 HON. CAROLE SMITHERMAN

16 MS. ALLISON SKINNER

17 MS. TISH GOTELL FAULKS

18 PASTOR HAROLD BASS

19 HON. STEPHEN WALLACE

20 MS. TEXYS MORRIS

21

22

23

1 CHIEF JUSTICE TOM PARKER: I want to  
2 welcome you all here to this June 9th, 2022,  
3 meeting of the Judicial Reallocation  
4 Commission. We have reached room capacity  
5 here in this venue. And so the door is  
6 closed and, regretfully, those who were late  
7 will not be able to get in to participate.

8 We are going to start with the  
9 pledge and prayer, and I am going to call  
10 on the Administrative Director of Courts,  
11 Dr. Rich Hobson, to lead us in that.

12 DR. RICH HOBSON: All right. Let's  
13 please rise and face the flag.

14 (Pledge).

15 DR. RICH HOBSON: While we are still  
16 standing, please join me in prayer.

17 (Prayer).

18 CHIEF JUSTICE TOM PARKER: Code  
19 Section 12-9A-1 says that we have to have a  
20 majority of the Commission members, a quorum,  
21 to be able to conduct business, and we do  
22 have that today.

23 So, I am calling this meeting to

1 order.

2 This meeting is subject to the  
3 open meetings law. And we have posted  
4 notice for this on June 1st on the Alabama  
5 Secretary of State's open meetings web  
6 page and on the Alabama Administrative  
7 Office of Court's website.

8 An official transcript of today's  
9 meeting will be prepared by an official  
10 court reporter, and a certified copy of  
11 the transcript of this meeting and a copy  
12 of any reports submitted to the Governor  
13 and Legislature will be published on the  
14 website of the Administrative Office of  
15 Courts.

16 And I would now like for those who  
17 are present on the Commission to identify  
18 yourself by raising your hand as I call  
19 your name so that new members can identify  
20 you. Clay Crenshaw?

21 MR. CLAY CRENSHAW: (Raised hand).

22 CHIEF JUSTICE TOM PARKER: Will  
23 Parker?

1 MR. WILL PARKER: (Raised hand) .

2 CHIEF JUSTICE TOM PARKER: Butch  
3 Binford?

4 HON. BUTCH BINFORD: (Raised hand) .

5 CHIEF JUSTICE TOM PARKER: Zack  
6 Collins?

7 HON. ZACK COLLINS: (Raised hand) .

8 CHIEF JUSTICE TOM PARKER: Brendette  
9 Brown-Green?

10 HON. BRENDETTE BROWN-GREEN: (Raised  
11 hand) .

12 CHIEF JUSTICE TOM PARKER: Mike  
13 Newell?

14 HON. MICHAEL NEWELL: (Raised hand) .

15 CHIEF JUSTICE TOM PARKER: James  
16 Reid?

17 (No response) .

18 CHIEF JUSTICE TOM PARKER: James is  
19 not with us today.

20 CHIEF JUSTICE TOM PARKER: Michelle  
21 Thomason?

22 HON. MICHELLE THOMASON: (Raised  
23 hand) .

1 CHIEF JUSTICE TOM PARKER: Stephanie  
2 Hunter?

3 MS. STEPHANIE HUNTER: (Raised hand).

4 CHIEF JUSTICE TOM PARKER: Chris  
5 Hughes?

6 HON. CHRIS HUGHES: (Raised hand).

7 CHIEF JUSTICE TOM PARKER: Rebekah  
8 McKinney?

9 MS. REBEKAH MCKINNEY: (Raised hand).

10 CHIEF JUSTICE TOM PARKER: So, 11 of  
11 the 12 members of the Commission are here  
12 today. I am designated as Chairman by the  
13 Statute. And we're here today to consider  
14 reallocation of a vacant judgeship as this  
15 Commission is charged to do under 12-9A-2. A  
16 judgeship became vacant in Jefferson County  
17 with a retirement effective June 1st.

18 And so, the first issue before  
19 this Commission today is to determine  
20 whether a judgeship should be reallocated  
21 to another circuit. I want to remind this  
22 body that the Alabama Supreme Court, in  
23 June of 2017, issued an order that

1 contained the revised formula that is to  
2 be applied to the data that the  
3 Administrative Office of Courts collects  
4 for each respective year to produce a  
5 Judicial Weighted Caseload Study. And  
6 during the June 2021 meeting, this body  
7 unanimously voted to utilize data from  
8 FY-2017, 2018 and 2019 for the next  
9 opening that came forth. Now, I will say  
10 that we chose not to use subsequent data  
11 because of the corrupting effect of COVID  
12 on the subsequent data.

13 So, the last data that we have  
14 approved to use is 2019. And I will now  
15 entertain a motion and a second to  
16 reallocate that judgeship.

17 HON. BRENDETTE BROWN-GREEN: Your  
18 Honor, Chief Justice, before you take the  
19 vote on the reallocation, may I be heard on  
20 that issue?

21 CHIEF JUSTICE TOM PARKER: Yes, we  
22 will have time for a speech or discussion  
23 after we get a motion on the table.



1 HON. BRENDETTE BROWN-GREEN: All  
2 right. Thank you, sir.

3 MR. CLAY CRENSHAW: I so move, Chief.

4 HON. WILL PARKER: I'll second.

5 CHIEF JUSTICE TOM PARKER: Okay.  
6 That was Clay Crenshaw moving, and Will  
7 Parker seconding.

8 So, let me say that the motion is  
9 now properly before the Commission, and we  
10 can hear comments from the members of the  
11 Commission. And then those members of the  
12 public that signed their name to the  
13 sign-up sheet prior to the meeting, and I  
14 would ask any public members to limit  
15 their comments to two minutes, because we  
16 have got a large attendance here today.

17 Cary McMillan and Mike Gregory  
18 from the AOC staff will answer any  
19 questions from Commission members about  
20 the data related to consideration of this  
21 vacancy reallocation, and we must have  
22 two-thirds of the members of this  
23 Commission vote to reallocate any

1 judgeship.

2 So, with that, the floor is now  
3 open for discussion by Commission members.  
4 I'm going to start by calling on Judge  
5 Brown-Green from Jefferson County.

6 HON. BRENDETTE BROWN-GREEN: Thank  
7 you, Chief Justice. I didn't know if you  
8 wanted to hear from the citizens before  
9 hearing from me, or if you want to start --

10 CHIEF JUSTICE TOM PARKER: No, we are  
11 going to start with Commission members first.

12 HON. BRENDETTE BROWN-GREEN: Thank  
13 you. Thank you. As you all know, I am a  
14 brand new member here on this Commission, so  
15 you are going to have to help me to feel my  
16 place.

17 Chief Justice, may I stand?

18 CHIEF JUSTICE TOM PARKER: Sure.

19 HON. BRENDETTE BROWN-GREEN: Thank  
20 you. This is all new to me, and I am  
21 delighted to be here, and grateful for the  
22 opportunity to serve on this Commission.

23 My name is Brendette Brown-Green.

1 I will move back so I can take my mask off  
2 so as not to contaminate anyone. Maybe I  
3 will stand in this corner; you can hear  
4 and see me and I can take my mask off.

5 My name is Brendette Brown-Green.  
6 I serve as a Circuit Judge in the Tenth  
7 Judicial Circuit of Alabama, which is in  
8 Jefferson County. I am very grateful for  
9 this opportunity. I was appointed to this  
10 Commission by the President of our Circuit  
11 Judges Association, Burt Smithart, and I  
12 am thrilled and honored to serve. I plan  
13 to serve to the best of my ability as a  
14 member of this outstanding Commission.

15 I have with me several people from  
16 Jefferson County who are here to show  
17 support for Jefferson County today, and I  
18 will quickly introduce them so that we can  
19 keep the clock rolling.

20 First of all, I would like to  
21 recognize -- if you-all would either stand  
22 or raise your hand if you are already  
23 standing -- my Presiding Judge, Judge

1 Elisabeth French, and she's Presiding over  
2 the Tenth Judicial Circuit; Judge Alaric  
3 May; Judge Carole Smitherman; Judge  
4 Michael Streety; Judge Kechia Davis; Judge  
5 Anne Durward; Judge Katrina Ross; Judge  
6 Stephen Wallace; the Honorable U. W.  
7 Clemon, retired federal judge; the  
8 Honorable John England, Jr., Retired  
9 Alabama Supreme Court Justice, a Retired  
10 Circuit Judge and former member of the  
11 Association of Circuit Judges Association.

12 HON. JOHN ENGLAND: I ain't from  
13 Birmingham, but I am here.

14 HON. BRENDETTE BROWN-GREEN: But you  
15 spent a lot of time there. We have Mr. Adam  
16 Danneman, who is from the Public Defenders  
17 Office. We have the President of the  
18 Birmingham Bar, Ms. Alison Skinner; and a  
19 host of other lawyers who are here. If  
20 you-all will just raise your hand.

21 (Raising hands).

22 HON. BRENDETTE BROWN-GREEN: All  
23 right. I don't want the senator to just

1 raise his hand. Senator Rodger Smitherman,  
2 if you will please stand.

3 (Senator Roger Smitherman  
4 standing).

5 HON. BRENDETTE BROWN-GREEN: All  
6 right. And we have Tiara Young-Hudson, the  
7 Judge-Elect for Place 14.

8 Okay. All right. So, as you can  
9 see, we have quite a contingency here from  
10 Jefferson County. I just want to say  
11 thank you for the opportunity to speak and  
12 to be heard on this.

13 It's my understanding that we are  
14 here pursuant to the Statute 12-9A-2(a)  
15 that says that we are to convene when  
16 there is a resignation, retirement, or  
17 removal from office.

18 I am imploring you to look to the  
19 next part of that statute, which is  
20 12-9A-2(b), and not reallocate, because  
21 12-9A-2(b) says that the Commission can  
22 elect not to reallocate.

23 Presently, in our great State of

1 Alabama, we are in an immediate critical  
2 need for judges. The Chief Justice  
3 drafted a letter and sent it to the  
4 Governor of the State, as well as the  
5 Legislature on January 5th, 2022, laying  
6 out the needs for our judiciary. In that  
7 letter, he said that there were 20  
8 judgeships needed: 12 circuit judges, and  
9 eight district court judges across the  
10 State in various districts. One  
11 reallocated position will not meet that  
12 need. We should not put ourselves in a  
13 position to create without -- with taking.  
14 We want to create without taking.

15 So, as of the Chief Justice stated  
16 in his January 5th letter, he said, "the  
17 Commission, by a majority vote, recommends  
18 that the Legislature create twelve circuit  
19 court judges..." as I said, "...with  
20 accompanying staff..., and "...eight  
21 district court judgeships with  
22 accompanying staff..."

23 Now, ladies and gentlemen, that's

1 the problem, and the issue that we should  
2 be addressing with the appropriate parties  
3 today as opposed to reallocation which  
4 could only result in one move. We need 20  
5 moves.

6 So, what's the solution? We need  
7 money. We need money. You have got to  
8 look at the salary. You have got to look  
9 at the benefits and all of the costs of  
10 those 20 positions. Well, guess what?  
11 The money is there.

12 Last year at our annual meeting,  
13 as I recall, Senator Albritton stated that  
14 we had a surplus. And in talking with  
15 Senator Smitherman this week, he informed  
16 me that we have the surplus in the general  
17 fund, the education fund, and the rainy  
18 day fund. And additionally, additionally,  
19 there are funds available from the  
20 Internet taxes that are not allocated for  
21 any purpose.

22 So, I say to you, use those funds  
23 to finance the 20 judgeships that are

1 needed throughout the great State of  
2 Alabama. Let's not create through taking.  
3 Let's create with real positions being  
4 filled.

5 Now, the email I have received and  
6 that all of you received says we were  
7 going to address this vacancy that has  
8 occurred. I submit to you reallocation is  
9 not the appropriate means to address the  
10 Place 14 position. First of all, let me  
11 just say this: Place 14 is not available.  
12 Tiara Hudson was elected by the citizens  
13 of Jefferson County to fill the seat of  
14 Place 14. Qualifying ended January 28,  
15 2022.

16 Judge Clyde Jones, who formerly  
17 held that seat, chose not to seek  
18 reelection. Judge Jones submitted his  
19 retirement documents somewhere in April  
20 thereby giving notice of his intent to  
21 retire June 1st. It was Judge Jones'  
22 right to choose his retirement day, and he  
23 chose it.



1           The primary election was held  
2           May 24. The votes were certified by the  
3           party, and Tiara Young-Hudson was declared  
4           the winner of that race, and she has no  
5           Republican opposition in the fall.

6           So, let's look at the timeline  
7           there. Now, there's a part of the statute  
8           that addresses judges who will age out and  
9           how the Commission is to address that, but  
10          there's nothing that says that once a  
11          position -- once a person has been elected  
12          that we are to remove or just take the  
13          position that the voters have elected them  
14          to serve in. That's not right. That's  
15          not right. That's not legal. This is a  
16          legal argument that the position is not  
17          vacant.

18          You see, from May 24th -- no,  
19          April when Judge Jones announced -- and he  
20          had to do this because the rules say if  
21          you are planning to retire you just don't  
22          walk in on June 1st and say: I retire.  
23          You have to submit paperwork. When he

1 submitted the paperwork to us, we should  
2 have acted. The election was May 24th.  
3 We had ample time to get in contact with  
4 the Secretary of State's Office and say:  
5 We have a problem. Houston, there's a  
6 problem. Okay? And we need to do  
7 something about it. We have had time to  
8 act, yet we chose not to.

9 And so, we come here today and we  
10 state this position is vacant. It's not  
11 vacant, because on May 24th, you had over  
12 30,000 citizens of Jefferson County brave  
13 the thunderstorms -- and you-all remember  
14 on election day it rained in Jefferson  
15 County. I don't know what it did  
16 everywhere else, but it rained. You had  
17 over 30,000 citizens brave the  
18 thunderstorm and go to their respective  
19 polling places and vote for the two  
20 candidates on the ballot.

21 We knew before May 24th that this  
22 retirement was going to happen. Did we do  
23 anything to stop this? To stop this

1 travesty that has occurred? We did not.

2 We did not.

3 And so, now, today, I don't think  
4 it's right, and I don't think it's legal  
5 for us to take this position and  
6 disenfranchise this candidate, or this  
7 Judge-Elect.

8 So, we've had over 30,000 voters.  
9 Tiara Hudson spent over \$40,000 of her  
10 funds that she collected from over 170  
11 donors to seek election. So, do we tell  
12 those 30-plus Jefferson County voters your  
13 vote didn't count? Do we want to  
14 disenfranchise voters in Jefferson County?  
15 But not just Jefferson County, because  
16 there might be some people who don't like  
17 Jefferson County. And I am aware of that.  
18 Everybody doesn't like everybody. But  
19 let's do what is right. Are we going to  
20 tell 30-plus thousand voters, oh, you went  
21 to the polls but we are not counting your  
22 vote. It is not going to matter. It was  
23 all for naught. I don't think that we are

1           that body that wants to do that. I just  
2           really don't.

3                     And so, it bothers me because,  
4           when I hear these things happening and I  
5           have read of them and I've seen of them,  
6           you know what I think we are opening  
7           ourselves up for? Lawsuits. We are  
8           opening ourselves up for intervention from  
9           the Department of Justice. I don't want  
10          that for us. So, let's do the right thing  
11          and not reallocate.

12                    Now, I think the better thing for  
13          us to do is to follow the lead of the  
14          Chief Justice from the letter that he  
15          submitted on January 5th, 2022. That is  
16          the most reasonable, logical, and I think  
17          the best legal remedy to address this  
18          problem. Not just with Place 14 of  
19          Jefferson County, but for the other 20  
20          positions that are needed throughout the  
21          State. I am not here saying that the  
22          other jurisdictions don't need help. They  
23          do. They do. And if we, as a body, and

1 as a State do not add those positions,  
2 then we are setting ourselves up for a  
3 public health crisis. We are going to  
4 have crime accelerated. We are going to  
5 have any number of problems that will  
6 cause problems within our State, and we  
7 will not be able to build prisons fast  
8 enough to put all of these people in.  
9 Okay?

10 So, if we disenfranchise Tiara  
11 Hudson, where will we stop? What are we  
12 going to do next? What are we opening  
13 ourselves up for? I don't think, in this  
14 day and time, when voter apathy is at an  
15 all-time high, that we want to say to the  
16 people who have gone out and voted: It  
17 did not count. It did not matter. That  
18 is not the spirit of the legislation. It  
19 is not who we are, and it is not what we  
20 do.

21 If you will hold that for me,  
22 please. Cotton mouth.

23 (Laughter) .

1                   HON. BRENDETTE BROWN-GREEN: I would  
2                   probably chew gum except she's my former law  
3                   professor, and she would probably take it out  
4                   of my mouth.

5                   (Laughter).

6                   HON. BRENDETTE BROWN-GREEN: So, I  
7                   can't. I have got to just leave the gum out.

8                   Okay. So, just a few basic  
9                   things. The effect of reallocating Place  
10                  Number 14 will substantially increase the  
11                  caseloads and the dockets in Jefferson  
12                  County. All right? And with the number  
13                  of criminal cases that our judges are  
14                  already handling, with high crime rate in  
15                  Jefferson County, and particularly in  
16                  Birmingham, our judges are already  
17                  handling great complex cases, many of  
18                  which are capital murder cases, more than  
19                  most circuits.

20                  You-all have received letters  
21                  from -- or you should have, from our  
22                  Sheriff Mark Pettway, our DA Danny Carr,  
23                  the Defense Lawyers Association, and

1 several other groups, and there's one  
2 thing that they all agree on is that we  
3 have the most voluminous dockets with the  
4 most complex cases. Again, I am not  
5 trying to say the other circuits don't  
6 need help. They do, but this bandaid  
7 approach, that's not helping any. That's  
8 not solving the problem. In fact, we are  
9 creating some new problems by doing that.

10 In Jefferson County, in our  
11 District Attorney's Office in 2020, we  
12 found that the population was 658,615  
13 people. We have the largest District  
14 Attorney's Office in the State. Why would  
15 the State give us that many positions?  
16 Because we need them. We have 44 deputy  
17 district attorneys, and I can assure you  
18 they need roller skates to keep up with  
19 the volume and the speed at which they  
20 have to work. We handle roughly, per our  
21 case management system, 8,300 felonies a  
22 year, along with roughly 16,000  
23 misdemeanor cases a year. To my

1 knowledge, we are the only circuit that  
2 convenes a grand jury at a rate of 350  
3 cases per session each month as opposed to  
4 quarterly. That's quite a few cases. And  
5 we are not even going to talk about the  
6 effect of COVID right now.

7 The criminal justice lawyers  
8 practicing in the greater Birmingham area  
9 tell us that there are some facts -- there  
10 are some numbers that we need to look at  
11 that are not reflected in that 2019  
12 Judicial Weighted Caseload Study. Okay?  
13 So, let me tell you what they are.

14 An estimated number of 10,000  
15 cases are filed each year in the  
16 Birmingham Division of the 10th Judicial  
17 Circuit. Each year we are screening at  
18 least 7,500 felony warrants. And of  
19 these, 4,000 jury trial cases. And that's  
20 about 60 to 70 murder cases that almost  
21 always need to be tried. Each year an  
22 estimated 300 to 400 appeals are assigned  
23 to the Criminal Division of Jefferson



1 County.

2 If this Commission elects to  
3 reallocate this position, the remaining  
4 six judges will have even more of a  
5 caseload and more cases that are being  
6 delayed in trial. Do we want to create  
7 more of a problem, or do we want to fix  
8 the problem? Reallocation will not fix  
9 it. We need to work towards getting those  
10 seats filled. And I can assure you, if  
11 those remaining six, if you choose to  
12 reallocate, are left to handle the  
13 voluminous and complex dockets of  
14 Jefferson County, justice will be delayed.

15 So, we all know justice delayed is  
16 justice denied. Do we want that on our  
17 watch? I would hope not. The most  
18 important constitutional guarantee to an  
19 accused individual in a criminal  
20 prosecution -- and we all know it -- what  
21 it is? -- it's a right to a speedy and  
22 public trial by an impartial jury. If we  
23 allow this to happen, we are setting

1           ourselves up to violate individual's Sixth  
2           Amendment rights. I don't believe you  
3           want to do that. And not only is that in  
4           the U.S. Constitution that we all swore to  
5           uphold, it's also in our great Alabama  
6           Constitution, Article I, Section VI.  
7           Again, justice delayed is justice denied.

8                       So, all across the State we are  
9           all still recovering from COVID. We are  
10          all -- Dr. Hobson and I just talked about  
11          a quote that we got this morning, an  
12          inspirational quote that said, "Normal is  
13          not coming back, but we know who is coming  
14          back."

15                      And so, with the recovery efforts  
16          of COVID, judges across the State are  
17          working tirelessly to eliminate -- to  
18          reduce and hopefully eliminate the backlog  
19          that we have all suffered because of a  
20          worldwide pandemic that has gone on for  
21          two years. And then there are even  
22          reports that every day we are hearing of  
23          individuals who are coming down with

1 COVID.

2 So, it's not gone. That affects  
3 the quality, and even the quantity of our  
4 work, because we have to give in to those  
5 healthcare issues. The loss of Place 14  
6 is going to put us in a position of  
7 denying the rights of the citizens and  
8 creating a public health issue for  
9 Jefferson County. If we allow this to  
10 happen, ladies and gentlemen, we are going  
11 to have individuals staying in jail for  
12 longer than they need to. We are going to  
13 have victims who will be victimized and  
14 re-victimized and re-victimized because we  
15 are not going to be able to get to their  
16 cases, through no fault of the six judges  
17 who will remain. We are going to have the  
18 District Attorney's Office upset with us  
19 because, with these long delays, they are  
20 going to lose witnesses. We are going to  
21 have the defense attorneys also upset  
22 because, with these of long delays, they  
23 are going to lose witnesses. So, the

1           availability of witnesses is going to go  
2           out the window.

3                       I began with this, and I said  
4           Chief Justice gave us a plan January 5th,  
5           2022. We need 20 new judges: 12 circuit  
6           court judges, eight district court judges.  
7           Senator Smitherman has told me we have the  
8           money. Senator Albritton, at our  
9           conference last year, told us we had a  
10          surplus.

11                      So, we know what the problem is,  
12          and we know the list of circuits that need  
13          additional judges. It's kind of like what  
14          they used to say about the \$6-million man.  
15          We know what the problem is. We know what  
16          it takes to solve it, money. We know  
17          where the money is. We know how much  
18          money we need. Why not take all of that  
19          and solve the problem? That's simple to  
20          me. But I am just a little girl from  
21          Theodore, Alabama. But that's simple to  
22          me.

23                      If we don't use the resources that

1 we have and use the statute to choose not  
2 to reallocate and give ourselves some time  
3 to have the appropriate party, our Chief  
4 Justice, the people on the side with the  
5 Senate where they know where the money is,  
6 and the other legislators who know where  
7 the money is, if we choose as a body not  
8 to follow the path that our Chief Justice  
9 laid out in that letter as far as  
10 reallocation, then that makes me think  
11 it's punitive. It's all about punishing  
12 Jefferson County. But I hope I'm wrong  
13 about that. I am new, so I don't know. I  
14 don't know. But it just does not add up  
15 to me. It just does not add up to me.

16 So, because of that, I must oppose  
17 with all that's in me reallocation of  
18 Place 14 from Jefferson County to be sent  
19 to another county. The judges there have  
20 satisfied all the factors that are needed  
21 to duly serve, and they are doing that.  
22 Judges across the State are doing that.  
23 We are all doing it. We all need help.

1           But to say on this day that we are  
2 going to take one from a circuit that is  
3 already overly burdened in an area where  
4 there are voluminous and complex crimes,  
5 it doesn't make sense when we have an  
6 alternative. The option is not to  
7 reallocate, have discussions, obtain the  
8 money, and fill all 20 of the positions.

9           Thank you very much, Chief and  
10 Commission, for listening to me. And  
11 thank you-all, citizens of Jefferson  
12 County, who have come to support this, and  
13 for voters out there.

14           I see we also have Mr. Chris  
15 England from the Democratic Party here,  
16 Representative Coleman, and if there are  
17 any other judges -- Judge Price, and any  
18 other -- oh, we have all of our -- oh,  
19 there's Judge Katrina Ross. Because I  
20 have got to go back home. So, I want to  
21 make sure. So, is there anybody else from  
22 Jefferson County that I did not recognize?  
23 Just everybody from Jefferson County raise

1           your hand.

2                               (People raising hands).

3                   HON. BRENDETTE BROWN-GREEN: Praise  
4           God. Thank you.

5                   CHIEF JUSTICE TOM PARKER: Thank you,  
6           Judge Green.

7                   HON. BRENDETTE BROWN-GREEN: Thank  
8           you-all very much, and God bless the great  
9           State of Alabama.

10                  CHIEF JUSTICE TOM PARKER: Any other  
11           Commission members have comments?

12                  HON. ZACK COLLINS: I do, Chief. I  
13           would like to comment. Zack Collins with  
14           Russell County.

15                       I certainly share support and  
16           sentiments of Judge Green and the impact  
17           that reallocation would have on Jefferson  
18           County and any county for that matter.  
19           But I want to approach this from a  
20           different standpoint and from the same  
21           standpoint I approached it at the last  
22           meeting.

23                       It is my belief that we don't have

1 three years of available data which to  
2 reallocate. Now, if we look at the  
3 statute -- now, let me -- I am going try  
4 to -- first of all, I haven't had any  
5 sleep. I mean, I have not had any sleep.  
6 Let me try to walk this down and show you  
7 why we don't have three years of available  
8 data.

9 The statute -- the Act was passed  
10 in March of 2017. It was signed by  
11 Governor Bentley. It became law, and the  
12 statute that Judge Green cited, section --  
13 subsection B states that: No judgeship  
14 shall be reallocated until three years of  
15 data is available after the revision of  
16 the factors considered. Well, let's back  
17 up. Let's go to the first section. It  
18 says, (as read) "No later than January 1,  
19 2018, the Alabama Supreme Court shall  
20 revise the factors in the Judicial  
21 Weighted Caseload Study to uniformly,  
22 fairly, and accurately account for the  
23 criminal cases by counts brought against a



1           defendant."

2                       Well, why is the word "revise"  
3           important? Well, we all know what  
4           "revise" means. It means to amend or  
5           correct. Well, if the Act was entered and  
6           came into effect as law in June -- excuse  
7           me, in March of 2017, and then in June, on  
8           June 21st, 2017, we had our first order  
9           adopting the weight -- the judicial cases  
10          weight load studies of 2014, 2015, and  
11          2016, and then on June 23rd the second  
12          order came saying it was adopted, where do  
13          we do any revisions when the statute says  
14          we have to revise?

15                     The purpose of the Commission is  
16          to get together and create parameters and  
17          factors and make sure we are doing the  
18          right thing to consider, not just to  
19          rubber stamp data that we already have.

20                     I looked at every one of the last  
21          orders -- and you-all pardon me for  
22          talking loud. I just talk many loud.  
23          Y'all pardon me. I'm not yelling.

1 I looked at all of the orders that  
2 came out, and all of the documents that  
3 signed off on the data prior to  
4 January 1st, 2018, and every last one of  
5 them adopted all of the case -- Weighted  
6 Caseloads. In fact, I went back and read  
7 the transcripts, and there was testimony  
8 from people on this Commission and people  
9 that presented to this Commission that  
10 said, well, the data is the same 2014,  
11 2015, 2016. Where is the revision? There  
12 was no revision. So, that's number one.

13 But let's just assume for  
14 argument's sake that the June 21st, and  
15 June 23rd, 2017, orders were the  
16 revisions. Right? Let's just assume. It  
17 just adopts -- all of them just say  
18 "adopt." They don't -- nothing says  
19 "revise."

20 But let's just assume those were  
21 the revisions. The statute says that you  
22 cannot reallocate until three years of  
23 data is available after -- let's just say

1 adoption -- three years after adoption.  
2 Why is that important? Because three  
3 years after adoption would have been 2018,  
4 2019, 2020. Three years -- it didn't say  
5 until three years of data is available at  
6 the time the revision occurred, or at the  
7 time the adoption occurred, however you  
8 want to look at it. It said "after."  
9 That's important.

10 So, you can't count 2017 -- and  
11 2018 and 2019. You have to start -- we  
12 have to start at 2018. So, if we start at  
13 2018, we have got 2018, and we have got  
14 2019. Well, we don't have 2020. Well,  
15 it's not none of our fault that the  
16 pandemic happened. We all suffered  
17 through that. Year 2021, we agreed at the  
18 last meeting, well, 2021 data is going to  
19 be just as bad as 2020. That's just  
20 common knowledge. At the last meeting in  
21 December, we didn't even vote on whether  
22 or not to approve 2021 data, because we  
23 already knew it was bad.

1                   So, you don't have three years.

2                   The next available date will be 2022.

3                   That's when it will be.

4                   If you really go by the plain  
5                   construction of the statute that we can't  
6                   do it until after three years of data is  
7                   available, we cannot start with 2017.

8                   Now, the last argument, I think it  
9                   was Judge Reid, you know, challenged me on  
10                  that. He said, well, Judge Collins you  
11                  voted for 2017 data. I did. We adopted  
12                  and approved it. The statute says we have  
13                  to get together and look at the data and  
14                  approve it. I -- we all adopted the data.  
15                  But adoption and application is two  
16                  different things. What data is to be  
17                  applied to this reallocation? That's what  
18                  the statute says. It prescribes how we  
19                  apply it.

20                  So, let's just assume that the  
21                  argument is correct and I am wrong. Let's  
22                  just assume that. I could be, so let's  
23                  just assume that. If 2017 was a year that

1 we could count because we approved the  
2 data, then why not just use the 2014,  
3 2015, 2016 data? Because on December 19,  
4 Chief Justice -- former Chief Justice  
5 Stuart sent a letter to the Governor  
6 saying, hey, we adopt -- she didn't say  
7 "revise." She did not say we did  
8 anything. She said we adopt all of this  
9 data. That was before we actually met on  
10 our first initial meeting in January of  
11 2018. And at that meeting, we then  
12 readopted the 2017 data.

13 If it was -- if it was not  
14 necessary -- let me say, there was no need  
15 for us to even meet if 2017 data was  
16 valid, or if it should be included in that  
17 time. In fact, in her letter, she even  
18 indicated -- in her initial letter she  
19 even indicated -- and I am going to read  
20 it, because I think it's important. We  
21 all know words matter. The Commission  
22 recognizes -- and this is a letter dated  
23 February 2nd, 2018, she indicates that we

1 met on January 11, 2018. I was at that  
2 meeting. "The Commission recognizes that  
3 the Fiscal Year 2017 Judicial Weighted  
4 Caseload Studies are the first studies  
5 produced after the Supreme Court adopted a  
6 formula on June 21, 2017." She said  
7 "adopted," not "revised." She said  
8 "adopted." That complies with Act Number  
9 2017-42 and is mindful that quote,  
10 unquote, "No judgeship shall be  
11 reallocated until three years of data is  
12 available after the revision of the  
13 factors considered."

14 We don't have three years of data  
15 after the revisions -- I can tell you we  
16 didn't revise -- but after the adoption.  
17 We just don't have it.

18 So, I am very cognizant of the  
19 fact that everybody -- you know, there's  
20 people here that want to reallocate. And  
21 let me just -- let me just -- before I get  
22 to that argument, let me just say this:  
23 When Judge Agnes Chappell -- when AOC and

1 the Commission knew that she was going to  
2 age out, we could have very well sent the  
3 letter to the Secretary of State one year  
4 before the primary and say, hey, that seat  
5 is not going to be vacant because under  
6 the statute we can reallocate. We didn't  
7 do that, though, because we didn't have  
8 three years of data. We still don't have  
9 three years of data.

10 Now, my point I was getting at is,  
11 I am very cognizant that people want to  
12 reallocate. We all need help. We all  
13 need help. But just because you can do  
14 something don't mean you should do  
15 something, especially when it runs afoul  
16 of the law. I mean, it's just  
17 straightforward.

18 And so, I certainly oppose  
19 reallocation. If a vacancy comes up and  
20 we do what we are supposed to do, submit  
21 the letter to the Secretary of State  
22 within a year of a primary, that was -- I  
23 think this Act was not always -- the law

1 was not all we thought out. I mean,  
2 obviously we have some candidates that  
3 were possibly disenfranchised the last  
4 time and will be disenfranchised this time  
5 if we reallocate. But that provision was  
6 there -- in there, I believe, for a  
7 purpose. If there's going to be somebody  
8 that is aging out, let's put everybody on  
9 notice that that seat is going away so  
10 somebody wouldn't run for office, spend  
11 all their money, and then be, you know,  
12 lost. That's fair. If we were here and  
13 that was the scenario, there's nothing I  
14 could say about that. I couldn't even  
15 object to that. I couldn't say, no, we  
16 shouldn't allocate. The statute says that  
17 if we -- if we still had three years of  
18 data, though, which we don't have.

19 But this goes to a deeper issue  
20 for me. The judiciary -- and I second  
21 what Judge Green has said, and I told  
22 Chief Justice this privately, and, you  
23 know, he is doing a fantastic job. That



1 letter is what -- we need some more  
2 judgeships. Here's the problem: We are a  
3 co-equal branch of government with the  
4 Legislature. Why are we doing their  
5 bidding? Why are we allowing -- Why are  
6 we turning on ourselves when they could  
7 just create the positions? They don't  
8 have to create 20 right now. Create one  
9 for Madison. Create one for Baldwin.  
10 Create one for Elmore. Just create three.  
11 That would help us out. That would buy us  
12 some time.

13 But to just -- I know this is  
14 probably not the best knowledge, but to  
15 rob from Peter to pay Paul, that's not  
16 good, and it creates infighting within the  
17 judiciary. And we can reallocate with the  
18 thought of, well, maybe we did what they  
19 wanted us to do and maybe they will pay us  
20 back. No. Why are we going to take --  
21 why are we going to do that? Let them  
22 create the positions. That's what should  
23 happen.

1                   Now, I have spoke privately with  
2                   some members on this Commission, and I  
3                   know some members that have said, hey, I  
4                   just don't agree with reallocation. But I  
5                   submit and I ask the members of the  
6                   Commission that if you feel like it's  
7                   wrong and you don't agree with it, then  
8                   don't vote for it. I mean, that's like me  
9                   going to court and ruling on a case, and I  
10                  know what the law says. I know for a fact  
11                  that the crime, or whatever it is, does  
12                  not meet the statutory definition for  
13                  whatever it is, and I just do it anyway  
14                  simply because I am the Judge, I wear the  
15                  black robe, and I can. No. That's not  
16                  what you are supposed to do. That's not  
17                  what we are supposed to do.

18                  And I respect every member of this  
19                  Commission. And I know some people are  
20                  probably like, well, Judge Collins, why  
21                  are you raising -- I just think we need to  
22                  do what is right and what's fair and, most  
23                  importantly, do what is by the law.

1                   We don't have three years of data.  
2                   We can't do it. There will come a time  
3                   when we can. But why not just all of us  
4                   hold hands, go up to the Legislature like  
5                   Chief Justice's suggestion and say, hey,  
6                   you know, as people have told me -- and  
7                   I -- this law does not work the way you  
8                   intended. We will never reallocate to  
9                   satisfy all the positions that we need.  
10                  Never. It doesn't work. And you run a  
11                  risk of disenfranchising someone. And if  
12                  you don't care about that, Mr. and  
13                  Mrs. Senator or Representative, if you  
14                  don't care about that, then put something  
15                  in -- amend the law and put something in  
16                  the law and say, hey, if you go out and  
17                  you run and the position gets removed,  
18                  then that's on you. That would be fair.

19                  So, I am just -- I'm putting on  
20                  the record that we don't have the data.  
21                  Look at the statute. Look at the law. It  
22                  says, "after," not "until" or "when."  
23                  There's no way we can move forward with

1 reallocation at this time. That's just  
2 the way it is according the law, and  
3 that's my position. I certainly hope you  
4 all respect that position, and I just put  
5 it on the floor that we should not  
6 reallocate this. Thank you.

7 CHIEF JUSTICE TOM PARKER: Anyone  
8 else?

9 MS. REBEKAH MCKINNEY: Chief? I  
10 would like to speak. I am Rebekah McKinney,  
11 and I represent the Alabama State Bar  
12 position here.

13 And I appreciate everything that  
14 has been said. But my position on it is,  
15 you know, we have been waiting this --  
16 everybody who has an interest in this has  
17 been waiting for years for more judgeships  
18 to be created by the Legislature. And I  
19 appreciate the desire on the part of  
20 Senator Smitherman to do that, but we seem  
21 to have a blockade that we can't get  
22 around, which leaves us with the statute  
23 that we do have available to even out the

1 judgeships in this State.

2 And -- and the last meeting we  
3 adopted the data that we had at hand.  
4 That was a vote of this Commission. When  
5 I look at the statute, I look at 12-9A-2,  
6 Section A, and the last sentence -- it's  
7 not the last sentence -- right in the  
8 middle says, "In determining whether to  
9 reallocate such judgeship, the commission  
10 shall consider the need based on the  
11 district and court rankings as determined  
12 pursuant to 12-9A-1." The only thing that  
13 is specified that this Commission is  
14 supposed to consider in the statute is  
15 need.

16 And while I very much appreciate,  
17 you know, the arguments that Judge  
18 Brown-Green made with respect to there  
19 being a candidate who stepped forward and  
20 ran and people who voted, that is not an  
21 event that is considered by the statute as  
22 a thing that should be considered by this  
23 Commission. It's also not a factor, you

1 know, that one circuit has divided their  
2 courts into divisions, and one of their  
3 divisions may have a heavier load if a  
4 spot is removed from that Division.

5 My understanding of circuit  
6 judgeships is that in most circuits those  
7 judges do every type of judicial  
8 obligation of a circuit judge. And so, I  
9 don't think the statute allows a  
10 consideration of that.

11 There are lots of people who have  
12 written letters supporting the position  
13 that no position should be reallocated. I  
14 don't think the statute gives us the  
15 opportunity to consider those things, that  
16 a lot of people don't support the moving  
17 of a position.

18 And so, I just think that there  
19 are issues that have been raised here that  
20 are not part of what this Commission is  
21 supposed to consider. We are supposed to  
22 consider the need. The numbers have been  
23 adopted. There are several circuits who

1 are very lopsided compared to the  
2 Jefferson County circuit, which, by the  
3 numbers, has way more judges than it  
4 needs.

5 And so, I think that's got to be  
6 considered by the -- that's what is  
7 considered by the Commission. That is  
8 what is in these numbers.

9 I also would be remiss in not  
10 acknowledging folks that came here from  
11 the circuit that I am in, which is Madison  
12 County. We have got Judge Claude Hundley,  
13 Judge Patrick Tuten, Mark Devereaux, John  
14 Brinkley and Robin Wolfe. Our other  
15 judges were occupied and not able to come  
16 due to work obligations.

17 So, I am cognizant of everything  
18 that everybody has said; that justice  
19 delayed is justice denied I think is  
20 absolutely true; but that applies in every  
21 circuit, not just in Jefferson County.  
22 And there are circuits that are clearly on  
23 the end of that where that is a problem

1 due to a severe lack of numbers of judges.

2 So, that's what I have to say,  
3 Chief.

4 CHIEF JUSTICE TOM PARKER: Any other  
5 Commission members?

6 MS. STEPHANIE HUNTER: Chief Justice,  
7 my name is Stephanie Hunter. I would  
8 certainly like to jump in here.

9 I am here on this Commission  
10 representing the Alabama Lawyers  
11 Association, which as most -- I hope most  
12 people in this room understands that this  
13 is a minority bar for the State of  
14 Alabama. And ALA's objective this past  
15 year has been to stand against bias and  
16 injustice even as we focus, as we always  
17 do, on increasing the presence and number  
18 of black judges on the local, state, and  
19 national level.

20 From the outset, I believe ALA's  
21 position has been to vote against  
22 reallocation. And we took this position  
23 having looked at the numbers, even though



1 I have never been able to reconcile these  
2 numbers, that Jefferson County appears to  
3 be the county that you can move any judges  
4 and really can only move three judges,  
5 even though there's a need for 20 judges.

6 So, even when you look at that,  
7 moving one judge is really a bandaid on a  
8 river. It will not solve the problem we  
9 have at all. It doesn't even begin to  
10 solve the problem that we are facing and  
11 we are talking about.

12 So, of course, today sitting here,  
13 my position, my duty to ALA, is to say no  
14 to any reallocation from judgeships in  
15 Jefferson County as this will certainly  
16 desperately impact the number of black  
17 jurists we have in the State of Alabama.  
18 We cannot move a judge -- and I am saying  
19 a judge-elect -- because at this point,  
20 she is elected to this position. Without  
21 this meeting that we're having here, she  
22 would have been -- she would be impaneled  
23 come January.

1           I think it would be a travesty on  
2           the part of this Commission to -- having  
3           sat back after getting notice of Judge  
4           Jones' position to retire back in April --  
5           did not do anything about this seat  
6           knowing that it's on the ballot, and I  
7           would think everybody in this room knew  
8           that Place 14 was on the ballot in March.  
9           We did absolutely nothing.

10           If you guys did, I didn't know  
11           about it, and I don't think anybody else  
12           knew about it, but nobody contacted these  
13           two individuals who ran for -- qualified,  
14           ran, campaigned, spent thousands of  
15           dollars, only now to be told that, hey,  
16           you probably will not get the seat.

17           And I ask everyone in this room:  
18           Who will recompense this young lady for  
19           the thousands of dollars that she has put  
20           out for this election? Now, I understand  
21           that for some of us, that's a collateral  
22           issue. It doesn't ring a bell, because it  
23           doesn't knock on your door. But this is

1 something we have to consider. When we  
2 make these decisions, we don't live in a  
3 vacuum.

4 I understand what Ms. McKinney  
5 says about the only thing we need to  
6 consider is need. But, again, we don't  
7 live in a vacuum. Right? Everybody  
8 understands the process that these  
9 candidates go through. I think it's on  
10 us, if we can, to somehow help them. Not  
11 to disenfranchise them, not to make things  
12 difficult for them, but this is what we  
13 are doing today. We are saying to this  
14 young lady -- we are saying to the  
15 Jefferson County electorate -- hey, so  
16 what, you know, this is the law. We can  
17 do this. But we have to consider how that  
18 impacts the individuals that is in these  
19 positions and, on a larger note, how that  
20 impacts the electorate.

21 As Judge Brendette Green stated,  
22 we don't want to disenfranchise our  
23 voters. It's hard enough for us elected

1 officials -- I should say you guys elected  
2 officials -- to go out every time and  
3 campaign. But now you are saying to the  
4 very people that you will going to: We  
5 really don't care that you elected this  
6 person; we really don't care that you  
7 stand in a long line; we really don't care  
8 that you gave them your hard-earned money,  
9 because we have this statute. And all we  
10 have to consider is a need.

11 But, people, we don't live in a  
12 vacuum. Right? We see -- We get impacted  
13 every day from different things.

14 So, I am asking as the  
15 representative of ALA, as we look at all  
16 the judgeships in Jefferson County, and  
17 please note -- and I think all of us here  
18 understands -- that Jefferson County may  
19 be the only county in this State that has  
20 as many African-American judges. And we  
21 are talking about, potentially, if we keep  
22 going moving three of these judgeships.  
23 Now, I did hear at one point there was a

1 comment that, well, an African-American  
2 can just run in that county. Well, that's  
3 a little cavalier. Yes, they can. Would  
4 they get elected? Maybe not.

5 We have to start taking  
6 responsibility for our actions. We had an  
7 opportunity to say something before this  
8 young lady spent all this money, before  
9 she got to campaigning and now won the  
10 election, and we did nothing at all.

11 So, we are just as culpable. And  
12 my question to this group is: Should we  
13 choose to ignore what Judge Collins said,  
14 that we don't have the data and choose to  
15 reallocate I would hope, Chief Justice  
16 Parker, that her funds that were expended  
17 would be considered by each person here,  
18 because we cannot just move a seat and  
19 think it's okay to do that and not  
20 consider the person who has run,  
21 campaigned, and expended hours -- I'm sure  
22 thousands of hours -- campaigning for this  
23 seat.

1                   So, I would certainly let -- want  
2                   it on the record that, ALA and myself, we  
3                   definitely will oppose any reallocations  
4                   today.

5                   CHIEF JUSTICE TOM PARKER: Thank you.  
6                   Any further comments?

7                   HON. BRENETTE BROWN-GREEN: Chief  
8                   Justice, one last thing. To Judge -- to Ms.  
9                   McKinney's point regarding the need that is  
10                  specified in the statute, if you-all didn't  
11                  hear me and hear the numbers that I quoted,  
12                  Jefferson County is in need. And it would be  
13                  even in a greater position of need. It is  
14                  not like Jefferson County is on easy street  
15                  right now. Our judges are overloaded.  
16                  During -- during the administration of Judge  
17                  Buhacker he transferred his seat -- when he  
18                  retired, he transferred it to one of our  
19                  divisions to try to alleviate some of the  
20                  overload in that Division. We have no one to  
21                  transfer or move.

22                  Jefferson County is overloaded  
23                  with cases. And I don't want -- I know

1           you don't want me to read those numbers  
2           again. I won't. But I will just repeat  
3           for the record we have a need as outlined  
4           in the statute, so we can follow the  
5           statute and not reallocate.

6                     Thank you.

7                     CHIEF JUSTICE TOM PARKER: Now, I am  
8           Chairman by statute, but I am also a voting  
9           member of this Commission. My single vote is  
10          equal to the vote of anyone of you. And so,  
11          I want to speak, as well.

12                    The Administrative Office of  
13          Courts has employed an expert team from  
14          the National Center of State Courts to  
15          devise a Weighted Caseload Formula for  
16          Alabama. Now, what they do is interview  
17          the judges, give judges time for input,  
18          and take all that data and try to get some  
19          kind of commonality to devise this  
20          formula.

21                    Why do we have a formula? Judges  
22          are not county employees. They are State  
23          employees. And we want to have some kind

1 of standardization on the expectation of  
2 these State employees. And that's why we  
3 have put together this Weighted Caseload  
4 Study.

5 The National Center for State  
6 Court teams has put together Weighted  
7 Caseload Studies for over 26 states. They  
8 are the gold standard for this. And they  
9 came in and conducted a study and  
10 recommended a revised formula that was  
11 adopted by the Alabama Supreme Court on  
12 June 21st, 2017. The statute does say  
13 that there has to be three years of data.  
14 That was mid fiscal year 2017. That  
15 year -- fiscal year ended in September of  
16 that year. And then the numbers were  
17 pulled together. And so, those figures  
18 became available after the adoption of  
19 that June 21st revised formula. Those  
20 figures utilized that formula to come up  
21 with the 2017 fiscal year results. And  
22 then that continued for the next three  
23 full operating years, as well.



1           So, there were three years of data  
2           available for this Commission to consider.

3           Now, the question was raised about  
4           a notice of retirement. I have to tell  
5           you that we have had notices of retirement  
6           filed and then rescinded. There is never  
7           a vacancy until the retirement is  
8           accomplished. And our statute will only  
9           deal with vacancies, except in the case of  
10          somebody who has aged out. That's the  
11          sole exception.

12          One other item that's been  
13          mentioned is the fact that there was a  
14          primary on May 24th. Our Alabama  
15          Constitution, in Section 151 says,  
16          subsection (c), "An act decreasing the  
17          number of circuit or district judges shall  
18          not affect the right of any judge to hold  
19          his office for his full term."

20          The Alabama Supreme Court  
21          interpreted that statute in King v.  
22          Campbell in 2007 and said "This limitation  
23          on legislative authority is confined to

1 officeholders and is silent as to  
2 nominees."

3 In that King v. Campbell case, we  
4 had a situation with a judge nominee that  
5 many of you know because he has  
6 subsequently been elected a Circuit Judge,  
7 and that's Chad Woodruff. Chad was the  
8 Democratic nominee for a seat in Talladega  
9 County, and the Legislature revoked that  
10 judgeship. And this court said that  
11 Woodruff's status as nominee of the  
12 Democratic party did not insulate him from  
13 the authority of the Legislature to  
14 abolish the office for which he was a  
15 candidate.

16 We have been delegated authority  
17 by the Legislature to act on behalf of the  
18 Legislature to examine the need for  
19 reallocation. Now, I will tell you that  
20 the Weighted Caseload shows that there is  
21 only one circuit in the State that has a  
22 surplus of judges. And, in fact, we are  
23 dealing with Place 14, which is in the

1 Criminal Division of Jefferson -- the main  
2 portion of the County. And it shows that  
3 they have seven judges in the Criminal  
4 Division, and it shows that there's an  
5 excess of three judges. With those seven  
6 judges that they have right now, the  
7 Weighted Caseload Numbers for the Criminal  
8 Division judges in Jefferson County  
9 averages 53% of what a judge's workload  
10 should be.

11 We have judges around the State  
12 who have far in excess of the normalized  
13 Weighted Caseload of one. We even have a  
14 District Judge who has over two in a  
15 county that really needs another District  
16 Judge.

17 As has been referred to, there is  
18 a huge need for increased judgeships as  
19 the population of Alabama has continued to  
20 increase. For three years now as Chief  
21 Justice, I have proposed legislation to  
22 increase judgeships. Like Judge Collins  
23 mentioned, I didn't go for everything at

1           one time. I wanted to do it bite by bite,  
2           but we have not been able to get the  
3           Legislature to act on that because of this  
4           stalemate over reallocation. They have  
5           put us in place to act, given us authority  
6           to act. And that's why we have gathered  
7           today.

8                     Are there any other members who  
9           would have any comments to make?

10                    (No response).

11                   CHIEF JUSTICE TOM PARKER: Well,  
12           let's turn now to the public --

13                   MS. STEPHANIE HUNTER: Can I make one  
14           question, Chief Justice?

15                   CHIEF JUSTICE TOM PARKER: Yes,  
16           Mrs. Hunter.

17                   MS. STEPHANIE HUNTER: In your King  
18           case, that you referenced, I believe you said  
19           Mr. Woodruff was a nominee for the Democratic  
20           party.

21                   CHIEF JUSTICE TOM PARKER: Yes.

22                   MS. STEPHANIE HUNTER: I think in  
23           this case there's a difference.

1 CHIEF JUSTICE TOM PARKER: No. He  
2 had no Republican opposition either.

3 MS. STEPHANIE HUNTER: Right. Like  
4 our -- Ms. Hudson is not just a nominee, she  
5 is now an elected official to the position.

6 CHIEF JUSTICE TOM PARKER: No.

7 HON. ZACK COLLINS: Judge --

8 CHIEF JUSTICE TOM PARKER: The  
9 Alabama Supreme Court was very clear in  
10 saying there's no such thing as a  
11 quasi-official. You are not official until  
12 you are elected and take the Oath of Office.  
13 And so, we have only dealt with a party  
14 primary up until now.

15 So, at this point in time I will  
16 open the floor for comments from the  
17 public who -- members who have signed the  
18 list to speak, and we are going to limit  
19 that to two minutes because we have got  
20 some time restrains on us here.

21 Yes. Let's go and -- please stand  
22 up and state your name for the Court  
23 Reporter.

1 MS. OLIVE WILCOX: My name is Olive  
2 Wilcox. I'm from Jefferson County. I would  
3 like to ask the question: Not only has  
4 Ms. Hudson spent all her money and done all  
5 this campaigning, and got money from other  
6 people and did all this campaigning, and won  
7 the seat because there's nobody else opposing  
8 her anywhere else. Who is going to  
9 compensate her if you guys decide to do this  
10 reallocation? Who is going to compensate her  
11 for everything? That is my question.

12 Thank you.

13 CHIEF JUSTICE TOM PARKER: Anyone  
14 else in the public? All right. And state  
15 your name for the Court Reporter, Elisabeth,  
16 please?

17 HON. ELISABETH FRENCH: Good morning.  
18 I am the Presiding Judge of Jefferson County.  
19 I'm Judge Elisabeth French. Thank you,  
20 Chief.

21 I would say, starting with the  
22 data, I have spent weeks, hours, months  
23 with judges of Jefferson County with the

1 data, studying the data, trying to  
2 reconcile the data. And despite the best  
3 efforts of our staff, of the National  
4 Center for State Courts, there are  
5 inconsistencies with the numbers. And a  
6 lot of it depends on who is inputting the  
7 data, who is making the requests of that  
8 SJIS system, and what keys are you putting  
9 into the system to get out the data. And  
10 so, there was nobody present from  
11 Jefferson County when that was done years  
12 ago when it was determined how to apply  
13 the formula.

14 And so, I have never seen the  
15 numbers from the other circuits. I know  
16 that when we pull the numbers from  
17 Jefferson County, there are  
18 inconsistencies even when the clerk's  
19 office pulls it versus the Court  
20 Administrator versus the AOC because a lot  
21 of it depends on what are you requesting  
22 from the system.

23 And so, there are issues with the

1 data that we have never been able to  
2 reconcile. There are issues with the  
3 statute. There are valid legal arguments  
4 about the validity of the 2017 numbers.  
5 That's why a few years ago it was said,  
6 oh, we don't have valid data. The data  
7 wouldn't be valid until 2020. Then the  
8 pandemic came, and the pandemic changed  
9 everything for us.

10 And I know I am limited to two  
11 minutes, so I am going to conclude by  
12 saying that if a seat is taken, it will  
13 devastate Jefferson County. And that is  
14 not the solution. The solution is to get  
15 it funded.

16 Thank you.

17 CHIEF JUSTICE TOM PARKER: Thank you.

18 HON. MICHAEL STREETY: Chief, if I  
19 could speak very briefly, sir.

20 CHIEF JUSTICE TOM PARKER: Judge  
21 Streety.

22 HON. MICHAEL STREETY: I am Judge  
23 Michael Streety, and I serve in the Circuit



1 Court in Jefferson County. Place 14 is two  
2 floors above me.

3 I want to talk about the law  
4 itself, and I want to challenge the judges  
5 on the law. We know that the law is  
6 imperfect. And when I first became a  
7 judge, they told me a judge should have  
8 courage when it comes to issues that they  
9 discern. We, as jurists, here know this  
10 law has issues. So, we should have the  
11 courage to challenge the law and not allow  
12 the legislators to pass the buck.

13 Chief, I respect you, you know  
14 that. Here's the issue: They passed the  
15 buck to us. Let's give it back to them to  
16 solve this issue. It is an issue of the  
17 law, and we all know that this law will  
18 simply not accomplish what they intended  
19 for it to accomplish. We, as jurists, we  
20 have to have the courage to challenge them  
21 to fix it. Judges on this panel have the  
22 courage to challenge them to fix it, and  
23 not pass the buck to us. That's all I

1 want to say.

2 CHIEF JUSTICE TOM PARKER: Thank you.

3 HON. ZACK COLLINS: Very well said.

4 CHIEF JUSTICE TOM PARKER: Senator?

5 SENATOR RODGER SMITHERMAN: Thank  
6 you, Judge.

7 I -- I think everybody knows who I  
8 am.

9 CHIEF JUSTICE TOM PARKER: Senator  
10 Smitherman.

11 SENATOR RODGER SMITHERMAN: And if  
12 you don't, I am Senator Rodger Smitherman.  
13 And just to give you a little background  
14 about the Legislature and my involvement --  
15 and I'll take 30 seconds to do that, and I'm  
16 going to rush the other one minute and 30  
17 seconds -- is that being in the Legislature  
18 from 1994, I have been on the Judiciary every  
19 year of my life. And from 2000 to 2010 I was  
20 Chairman of the Judiciary. Every judge that  
21 was made or provided came across my desk.  
22 And let me just say clearly, the rules of the  
23 Chair -- the Chair -- nobody can make the

1 chair and put something on the agenda. So,  
2 let it be said. We are getting to where we  
3 are now when I said that.

4 I also, though, you know, I'm  
5 married to a judge. I respect you-all at  
6 a level up here. But having said that, I  
7 respectfully -- I'll say it twice --  
8 respectfully disagree with you, Judge  
9 McKinney, about the things that you said.  
10 I respectfully disagree with you. And I'm  
11 going to tell you why, because the intent  
12 of the Legislature -- I'm going to give  
13 you the 30 seconds of our intent.

14 I was one of the people that  
15 passed the bill for the grandparent -- you  
16 know the grandparent visitation. You-all  
17 changed that, by the way. But we were in  
18 a trial with Judge King -- and Judge King  
19 of Bessemer. And we were trying it, and  
20 the other lawyer was arguing about what's  
21 the intent of the Legislature. Do you  
22 want to swear Attorney Smitherman in and  
23 put him on the stand? He will tell you

1           what the intent was.

2                       Well, the intent -- This bill that  
3           you-all are operating on, we negotiated  
4           this bill for three years. And the  
5           sticking point in this situation -- and I  
6           was the person who negotiated on the  
7           opposite side. Okay? So, you have got  
8           the person right here.

9                       The reason the revision and all  
10          that about the count -- and I appreciate  
11          what you said about that -- is that the  
12          intent was for you-all to go back -- not  
13          you-all, I am talking about the courts --  
14          to go back for three years and manually  
15          count every case. That's why it was three  
16          years. And you said, why?

17                      Now, Judge, I will be corrected if  
18          I single out Madison County because that  
19          was one of them that was mentioned. But  
20          that was the time that we had counties,  
21          and Madison County was mentioned as one of  
22          them -- that they counted the cases. Each  
23          underlying cases got a separate case

1           number. And Jefferson County, that wasn't  
2           the case. You don't even have a true  
3           count. You take a DUI, you have got a  
4           reckless driving, you got a speeding, you  
5           got a lane change, and you may have  
6           insurance. All five of those in some  
7           places were given numbers. In Jefferson  
8           County it was one number, one number.

9                        So, you have short-changed us on  
10          that one case by five numbers. See,  
11          that's why we went back. I was the person  
12          who made the issue about the counting, and  
13          you know I was, because we talked a little  
14          bit. I won't tell you my conversation,  
15          but we talked about it, see.

16                       But you don't have the -- First of  
17          all, you don't even have the accurate  
18          numbers, as Judge says. You do not have  
19          the numbers.

20                       Now, you know, you can talk about  
21          weighted -- you all know this. You can  
22          take a weighted meaning and shift any way  
23          you want to. Now, that's a fact. You can

1 shift it good, bad, or whatever you want  
2 to do. The people -- I am not talking  
3 about you-all, I'm talking about the  
4 people. They can do that. But you don't  
5 have the accurate numbers.

6 And I want to thank Chief Justice.  
7 Justice, I'm going to give you flowers  
8 while you are living. He's been over  
9 there trying to fight so hard to get these  
10 judges for you-all. You know, you need to  
11 be reelected three or four more times.  
12 You know, because --

13 CHIEF JUSTICE TOM PARKER: The  
14 Constitution won't allow it.

15 SENATOR RODGER SMITHERMAN: But he  
16 has been over there fighting for that. I  
17 want you to understand that. And I want to  
18 tell you what the problem is, because I am  
19 there in every one of these meetings with  
20 everybody -- not -- the Judge is not in every  
21 meeting, but I am over there in every  
22 meeting. It's a philosophy ballot, and  
23 Jefferson County is caught up in the middle

1 of it. It's a forced philosophy. That's all  
2 it is. It ain't about filling these judges.  
3 It's about the philosophy and the power to  
4 impose my philosophy. And I want it done  
5 this way, or I ain't going to let it be don't  
6 no way. And that's what's happened.

7 The put-off I've got was that we  
8 don't have the money. Go find it. Just  
9 as you heard, I found the money. I found  
10 it three years ago. Found almost  
11 \$20 million. We're talking about extra  
12 money. We ain't talking about Robin Hood,  
13 taking money from somebody else, or  
14 whatever else.

15 And I didn't tell you I've been on  
16 the Budget Committee since 1994. I know  
17 where the money is. And I went and found  
18 it two years ago, found the money. Found  
19 it last year in the privilege tax.  
20 Instead of getting you judges, they  
21 decided to give small businesses another  
22 tax break. Good money sitting out there.  
23 Legal municipalities made me aware of the

1 privilege tax.

2 The privilege tax -- not the  
3 privilege tax, but the sales tax on the  
4 Internet, we have got so much money from  
5 sales tax coming in on the Internet it's  
6 running out our ears. It really is. We  
7 have got a surplus that won't wait. We  
8 could fund 40 judges if we needed to, and  
9 it wouldn't hurt nothing about the budget.

10 So, do you know what in  
11 conclusion? I see the Judge tapping now.  
12 So, in conclusion, I am going to say this,  
13 and I am going to ask you all this. This  
14 is my plea to you all: I need, number  
15 one, this Commission to get off the  
16 sidelines and get over there.

17 And just what the Judge said and  
18 let these legislators know that you-all,  
19 as a collective group need this, and we  
20 need you-all to do this. I need the  
21 Circuit Judges Association to get off the  
22 bench and come over there as an  
23 association. I need the District Judges



1 Association to get off the bench to come  
2 over there as the Association to tell the  
3 Legislature, just as you were saying, what  
4 we need, and we need it now. I need for  
5 you-all to do that. That's what's needed.  
6 And if you-all do that, you are going to  
7 get the judges -- I am just telling you --  
8 if you-all collectively do that.

9 Now, in conclusion I'm going to  
10 say this: We need you to do that, and we  
11 need you to have courage. We need you to  
12 have courage. When we fought for civil  
13 rights, it was just as many people like  
14 you-all who looked like you-all and looked  
15 like us was out there together  
16 hand-in-hand fighting, sacrificing. You  
17 took the hits from the other people who  
18 was screaming the other way, just like we  
19 did. I don't see that now. I don't see  
20 that courage from the collective group of  
21 good people -- and all you-all are good  
22 people -- but good people standing  
23 together, whether they black or white,

1 standing together for what's right. And  
2 there ain't nothing right about playing  
3 Robin Hood, taking from one and giving to  
4 another. There's nothing right about  
5 that.

6 So, thank you-all very much.  
7 Thank you-all very much.

8 CHIEF JUSTICE TOM PARKER: Yes.  
9 Chris England.

10 REP. CHRIS ENGLAND: I'm a member of  
11 the Legislature. Don't hold that against me.

12 And one of the things we  
13 specialize in in the Legislature is the  
14 unintended consequences of bad law or  
15 situations where we force other people  
16 into in order to try to create a remedy  
17 and not a solution to a problem. But, as  
18 part of the Legislature, and also part  
19 of -- one of the people that worked on  
20 this bill in the House, the intent was  
21 never to allow somebody to run for office  
22 and then take that office away from them.

23 As a matter of fact, in several

1 discussions when the bill was being  
2 generated, we wanted to appropriately and  
3 adequately describe what a vacancy was so  
4 we can make sure that if somebody put  
5 their money, their time and their effort  
6 into running for that office it wouldn't  
7 be snatched away from them without any  
8 notice, without any ability to respond.

9 So, when we passed this law, we  
10 wanted to make sure that we recognized  
11 that there's a problem. And even though  
12 we have an inadequate response to it, we  
13 wanted to make sure that at least we  
14 balanced the odds here and not taking away  
15 from somebody that ran for office.

16 But, also, I wanted to stress  
17 something else here. Senator Smitherman  
18 made a great point. If you accept it, we  
19 will continue to give it.

20 HON. ZACK COLLINS: That's right.

21 REP. CHRIS ENGLAND: All right. So,  
22 if we give you an inadequate response to  
23 something and you make an inadequate response

1 work, the next one is going to be even worse.

2 The Legislature doesn't  
3 specialize, unfortunately, in solving  
4 problems. We often specialize in creating  
5 them, as every person in here can attest  
6 to, if you practice law. Our court system  
7 is inadequately funded. We don't treat it  
8 as a political branch of government, and  
9 the reason why is because of stuff like  
10 this.

11 So, oftentimes, you know, when you  
12 accept inadequate responses, your solution  
13 remedy doesn't work. And clearly this  
14 isn't going to work. This isn't working,  
15 because we were all lawyers. We're all  
16 judges in this room. We're required to  
17 work together for the betterment of the  
18 system and now we're shooting sides with  
19 each other knowing that it's not going to  
20 work.

21 So, in order to make us -- hold us  
22 to account to create a solution that does  
23 work, you are going to have to reject what

1 we have given you. And this is your  
2 opportunity to do this. It's your  
3 opportunity to reject what we have given  
4 you and say go back and get it right.

5 And as Senator Smitherman has so  
6 eloquently pointed the out, the money is  
7 there. But you are going to have to force  
8 us to use it. This doesn't do it.

9 So, that's all I've got. Thank  
10 you.

11 CHIEF JUSTICE TOM PARKER: Thank you,  
12 Chris.

13 Oh, the Senior England is raising  
14 his hand.

15 HON. JOHN ENGLAND: You know, since  
16 my boy spoke, I have to get up. But the  
17 reason I came --

18 CHIEF JUSTICE TOM PARKER: John  
19 England.

20 HON. JOHN ENGLAND: The reason I came  
21 was that when I heard about the reallocation  
22 meeting, I couldn't figure it out. And I  
23 couldn't figure it out because, you know,

1 first of all, you know, in my 20-something  
2 odd years on the -- well, 27, 28 -- one of  
3 the things I did was, and I thought it was  
4 important, is in the decisions we made as a  
5 judiciary that we couldn't identify it by  
6 color. You know, I hope -- Now, I don't  
7 think there's anybody in this room that makes  
8 this decision on color, but it's going to  
9 look like it. And I -- So, I am concerned  
10 about that because I battle that. Chief  
11 Justice and I, we battle that. Still battle  
12 that.

13 And so, here's the thing, one of  
14 the things -- and, you know, when I  
15 started doing this -- is the problem. But  
16 Lawyer McKinney --

17 MS. REBEKAH MCKINNEY: Yes, sir.

18 HON. JOHN ENGLAND: -- who I know and  
19 love, number five says, "any of the  
20 information deemed relevant by the  
21 Commission."

22 HON. ZACK COLLINS: That's right.

23 HON. JOHN ENGLAND: So, what's the

1           other information? Number One, do you know I  
2           knew that Clyde Jones' seat was going to be  
3           vacant. I knew it. I knew it. What did I  
4           know? You're chairman of the Democratic  
5           party, son. When did I know it?

6                   REP. CHRIS ENGLAND: When you didn't  
7           qualify to run for reelection.

8                   HON. JOHN ENGLAND: When was that?

9                           (Group collectively speaking,  
10                          "January of 2022").

11                   HON. JOHN ENGLAND: Okay. So,  
12           suppose if we had just done that -- if we had  
13           just said, well, we know this is going to be  
14           vacant. And see --

15                   CHIEF JUSTICE TOM PARKER: Yeah.

16                   HON. JOHN ENGLAND: And in our group,  
17           the law is as it is. But that's a factor to  
18           consider. And then the thing about it is --  
19           another factor is, it's unfortunate, but in  
20           Jefferson County there are fewer judges  
21           handling criminal cases. I know that,  
22           because there's a problem with one of them.  
23           We all know.

1                   Now, and so, in Jefferson  
2                   County -- and, look, I am in Tuscaloosa,  
3                   so I can say it. Look, we have too many  
4                   murder cases in Jefferson County, too many  
5                   capital cases. It's not like having what  
6                   we have in -- I pick on Greene County all  
7                   the time -- Greene County, and capital  
8                   cases take time.

9                   And so, there are so many other  
10                  factors to consider, you know. And there  
11                  is that lawyer over there, Judge U.W.  
12                  Clemon, and I know what he's going to do.

13                 But here's the thing, when we look  
14                 at -- when we look at what we have decided  
15                 and then we look at the fact that if we  
16                 want to measure 30 days from the time it  
17                 was going to become vacant to give  
18                 everybody an opportunity to be heard, it  
19                 would have been January 28th. And then  
20                 those folks would have been spending  
21                 \$3,000 which is the qualifying fee,  
22                 somewhere around there. And other than  
23                 that, I think you-all would have given it



1 back to them. Wouldn't you agree?

2 (Laughter).

3 HON. JOHN ENGLAND: I am going to sit  
4 down, but I am going to say, I don't want it  
5 to look like it may look, particularly when  
6 there are many reasons that we don't have to  
7 do this one. I think at some point -- and  
8 Jefferson County, you might as well get ready  
9 for this. At some point, you are going to  
10 lose a circuit judgeship. And I am retired,  
11 so you can't -- ain't nothing you-all can do  
12 to me.

13 (Laughter).

14 HON. JOHN ENGLAND: You might as well  
15 know that. I'm sitting down.

16 CHIEF JUSTICE TOM PARKER: Well, I  
17 have got one over here, the nominee.

18 UNIDENTIFIED SPEAKER: The Judge.

19 (Applause).

20 MS. TIARA YOUNG-HUDSON: Good  
21 morning. May it please the Commission. My  
22 name is Tiara Young-Hudson. And I won't say  
23 candidate. I will say I am the face of the

1 Jefferson County Circuit Court Judgeship,  
2 Place 14. I appreciate you giving me the  
3 opportunity to speak this morning. And as  
4 the face of this judgeship and this seat, I  
5 just wanted to introduce myself to you.

6 I qualified for this seat on  
7 January 28, 2020. I did put myself and my  
8 family out in the public sphere to run for  
9 this seat. And as Judge Brendette  
10 Brown-Green indicated the numbers, we  
11 raised over \$40,000, having over 150  
12 donors. The voters did come out in the  
13 rain. I was in the rain out there still  
14 campaigning, and 30,000 voters came out  
15 and voted in this election on May 24th.  
16 And 53% of them voted for me and elected  
17 me knowing that there wasn't going to be  
18 any Republican opposition in November.

19 I chose to run for this seat  
20 because, in my 16 years of practice, I saw  
21 that there were problems in our criminal  
22 justice system that I thought that I could  
23 help fix this or be part of the solution.

1 I have been practicing law 16 years. I am  
2 a graduate of Emory University in Atlanta,  
3 Georgia, while majoring in Spanish, and I  
4 have a minor in economics. I completed my  
5 legal studies at the University of Alabama  
6 School of Law in 2005, and I have been a  
7 practicing lawyer ever since. And I am  
8 looking forward to serving with each and  
9 every one of you and serving the citizens  
10 of Jefferson County. Please do not  
11 reallocate this seat.

12 Thank you.

13 (Applause) .

14 CHIEF JUSTICE TOM PARKER: Thank you.  
15 Yes, sir.

16 PASTOR R.L. PATTERSON: My name is  
17 Pastor R. L. Patterson, Jefferson County. I  
18 serve as President of the SCLC, legacy of Dr.  
19 Martin Luther King, from his church right  
20 around the corner here.

21 What it looks like this morning,  
22 what it sounds like this morning: Old  
23 times. What we need to do is to do the

1 right thing. This young lady ran. We  
2 voted. We was out in the street,  
3 publicating, different effort, and  
4 everything. As a minister of the gospel  
5 and I see and what I hear, we have as a  
6 legacy been depressed from years as a  
7 baby. And we need to change right now  
8 from the Word of God.

9 CHIEF JUSTICE TOM PARKER: Yes,  
10 ma'am.

11 REP. MERIKA COLEMAN: Thank you,  
12 Chief Justice. I am -- I have to leave --  
13 Representative Merika Coleman, Senate-Elect  
14 for Senate District 19.

15 And as I leave, I just want to  
16 make a personal commitment to you and this  
17 Commission to work hand-in-hand with the  
18 Senior Senator in the Alabama State Senate  
19 to make sure that we give the funding  
20 needed in order to make sure that  
21 everybody across the State has the  
22 adequate amount of judges that they need.  
23 I just think that's the direction we need

1 to go in.

2 In addition to being in the  
3 Legislature, I am a practicing attorney.  
4 And these judges in Jefferson County do a  
5 yeoman's job, and they do not need to have  
6 more work on them than they already have.

7 So, as I leave, again I do not  
8 support reallocation but 100% will support  
9 and work along with the Senior Senator to  
10 make sure that we have the funding  
11 available that you-all need.

12 CHIEF JUSTICE TOM PARKER: Thank you.  
13 Senator Coleman, before you leave, we have  
14 had questions raised about the statute. And  
15 the statute says "in the event of a vacancy."  
16 There's not a vacancy when somebody does not  
17 run for reelection because they will still  
18 have 10 to 11 months on the bench. There's  
19 not a vacancy until the end of their term,  
20 and by then the general election has  
21 occurred. There has been a formal election,  
22 and somebody is ready to take the seat.

23 So, the language of the statute

1 right now puts us in a bind. It creates  
2 this problem, and that's what we've been  
3 handed to work with.

4 REP. MERIKA COLEMAN: Chief Justice,  
5 as I leave then, will you give us an  
6 opportunity to work on the language? We need  
7 the opportunity in the Legislature to work on  
8 the language.

9 CHIEF JUSTICE TOM PARKER: I have to  
10 tell you that personally I have talked to  
11 Senators and to the Legislative Services  
12 about correcting this. I have also worked  
13 through the Attorney General's Office. No  
14 viable solution has been proposed yet.

15 So, keep at it.

16 REP. MERIKA COLEMAN: Thank you.  
17 Give us that opportunity to keep at it.

18 CHIEF JUSTICE TOM PARKER: Okay.  
19 Anyone else? Yes, sir.

20 MR. BERNARD SIMELTON: Good morning.  
21 My name is Bernard Simelton. I am President  
22 of the Alabama State Conference of the NAACP.

23 And I have heard a lot of legal

1 talk here, which I don't understand. I am  
2 not an attorney. I am not a lawyer. I've  
3 never been to law school. But I am here  
4 to speak for those 30,000 citizens who  
5 many are like me who went to the polls to  
6 vote for a person that they wanted to  
7 represent them when it comes to the bench.  
8 And I think it would be a travesty of  
9 justice, as well as a disenfranchisement  
10 of the voters who, as already have been  
11 stated, braved the rain and perhaps some  
12 of them had to take off from their jobs,  
13 didn't get paid that day, to go out and  
14 cast their vote for the person of their  
15 choice. And now they're hearing that  
16 there's a possibility that this person  
17 will not be on the bench, in which they  
18 have elected her to do.

19 And I think it's incumbent upon  
20 this Commission to make sure you consider  
21 that when you are voting on this important  
22 issue to our community. I am not a -- I  
23 am a resident of Limestone County in North

1 Alabama, but this affects us all  
2 throughout this State of Alabama, because  
3 if they do it in one place, they will do  
4 it in another and disenfranchise voters  
5 throughout this State.

6 Thank you very much.

7 CHIEF JUSTICE TOM PARKER: Judge.

8 HON. CLAUDE HUNDLEY: Chief and  
9 members of the Committee, I am going to try  
10 to keep my -- I am going to keep it under two  
11 minutes.

12 CHIEF JUSTICE TOM PARKER: Judge  
13 Hundley from Madison County.

14 HON. CLAUDE HUNDLEY: I am Judge  
15 Hundley from Madison County.

16 I have listened to you very  
17 patiently in all of this. And when they  
18 asked me to come, I said I am going to  
19 listen to see where we are.

20 This Committee has a special  
21 purpose, and you are being talked to like  
22 you're a legislative body, and you are  
23 not. You already know that. You're not



1 here to legislate. You are a Committee.  
2 Committees are sent out by groups all the  
3 time. And when they are sent out, they  
4 are sent out to perform a job. And if  
5 this meets the criteria of the job, your  
6 job is only to perform it.

7 My understanding was -- I was not  
8 here, so I will say it was an  
9 understanding -- is that you-all agreed  
10 that you-all adopted the numbers as of  
11 previous meetings. This is not a race  
12 issue. I know it's terrible, but we have  
13 black lawyers in Madison County that are  
14 standing ready to be elected. They should  
15 not be given any less deference than black  
16 lawyers in any other part of the State.  
17 It's not that.

18 It's a numbers issue. I get the  
19 Legislature is being here in making their  
20 statement, but their fight is at the  
21 Legislature. That's where they should be  
22 battling that fight, because that's where  
23 they have the power and have had since

1           2017 and, prior to that, to do something  
2           about this.

3                   I can't believe that they just  
4           realized that this was a problem. We have  
5           always known it. I don't think it's a  
6           very well-written law, but you know what  
7           we judges do? We deal with the law that  
8           is given to us. I tell people from the  
9           bench all the time, I don't make the law;  
10          my job is to deal with it and interpret  
11          it. If I find it to be unconstitutional,  
12          I'll do that. Otherwise, I've got to do  
13          what it says.

14                   And your job, as a Committee, is  
15          to see if all the criteria has been met.  
16          You've got a case out there that tells you  
17          about someone that runs, so you have to  
18          deal with that case authority. You're not  
19          to remake that. The Supreme Court has  
20          spoken on that issue.

21                   And then, if somebody doesn't like  
22          what you do, they will sue you. Everybody  
23          keeps talking about that like we are

1       supposed to tremble in the knees when we  
2       get sued. Lawyers get sued all the time.  
3       I have been sued -- just got out of  
4       Federal Court. The Attorney General's  
5       Office just got me out of Federal Court.  
6       Somebody sued me for giving them money.

7               So, you never know. The people  
8       are going to sue you. That's just the way  
9       they are. That is the nature of this  
10      system.

11             And so, the Legislature should  
12      legislate. A committee should do the  
13      purpose that is given to it in the  
14      statute. Now, if you have a problem with  
15      something in the statute, don't do it.  
16      But if the statute tells you to do it,  
17      your job is -- your job is not to go  
18      outside of the statute and start becoming  
19      legislators, because that's not who you  
20      are. There are legislators here -- now,  
21      you are voters, and you have every right  
22      to go and complain to your legislators.  
23      But at the end of the day, you are a

1 committee that had been assigned a  
2 purpose, and your job is to fulfill that  
3 purpose.

4 Thank you very much.

5 HON. CAROLE SMITHERMAN: I signed to  
6 speak, Mr. Chief Justice.

7 CHIEF JUSTICE TOM PARKER: Judge  
8 Smitherman over here.

9 HON. CAROLE SMITHERMAN: Please, sir.  
10 And let me defer to the Federal Judge,  
11 please.

12 CHIEF JUSTICE TOM PARKER: Judge  
13 Clemon.

14 HON. U.W. CLEMON: Mr. Chief Justice,  
15 members of the Committee, I've been a lawyer  
16 and, therefore, a suer, a legislator, and a  
17 judge. And I am not here in either of those  
18 capacities today. But I simply want to call  
19 to this Commission's attention what the Judge  
20 has just said, you are bound by the law, and  
21 I would just ask you to look more  
22 particularly at Section 12-9A-1, which  
23 outlines five factors that you need to

1 consider in determining whether to increase  
2 or decrease the number of judgeships in a  
3 circuit. The most important of which is, of  
4 course, the Judicial Weighted Caseload  
5 Studies. But in addition to that, there are  
6 four other factors, two of whom were referred  
7 to by Judge England.

8 But the first of those factors in  
9 the statute is the population of the  
10 circuit. Jefferson County is about twice  
11 as large as Madison County. That's not  
12 apparent from the face of the Judicial  
13 Weighted Caseload Study.

14 Secondly, you have to look the  
15 judicial duties in the circuit, including  
16 consideration of courts which have  
17 specialized divisions, which is what we  
18 have in Jefferson County and what you  
19 don't have in Madison County. And it is  
20 in one of those specialized divisions, the  
21 Criminal Division where we have the crisis  
22 at this particular time. And that's not  
23 apparent in the Judicial Weighted Caseload

1 Study.

2 Thirdly, you need to look at the  
3 uniformity of the calculation of how  
4 civil, criminal and domestic relations  
5 cases are accounted for between the  
6 circuit and, finally, any other  
7 information. You've heard a number of  
8 remarks on those factors. But I simply  
9 ask you to look at the kinds of factors  
10 that the statute says that you ought to  
11 look at in determining whether or not to  
12 increase judgeships in a circuit.

13 CHIEF JUSTICE TOM PARKER: Thank you,  
14 Judge Clemon. We've got a Madison County  
15 judge here.

16 HON. PATRICK TUTEN: Patrick Tuten  
17 from Madison County. I would just like to  
18 make one point on the population issue.

19 Since 1974, that's two years  
20 removed from the last Apollo Mission,  
21 Madison County's population has grown over  
22 200,000 people. In the same amount of  
23 time, 48 years, we have received one

1 Circuit Judge position in our county.

2 Please give our seven hardworking Madison  
3 County Circuit Judges some help.

4 Please, Legislature, please give  
5 us some help. This Commission can do that  
6 today. It will not only help the citizens  
7 of Madison County have access to the  
8 courts, it will also give confidence.  
9 Everybody all over the State knowing that  
10 our judicial system is doing something to  
11 help ourselves with this problem.

12 Thank you, Chief.

13 CHIEF JUSTICE TOM PARKER: Thank you,  
14 Patrick. Now, Judge Smitherman.

15 HON. CAROLE SMITHERMAN: I am a  
16 39-year member of the Alabama State Bar and  
17 proud of that. I have served in every  
18 capacity: Judicial, executive, and others.

19 This statute is void for  
20 vagueness. Please understand that. If  
21 you act on it, you are acting on an  
22 unconstitutional statute. Why? Because  
23 you have heard all along what's going on,

1           that it does not -- the position that  
2           Ms. Hudson is in is not in the statute.  
3           And there are other reasons why it is  
4           void, because it is not complete. It  
5           needs to be sent back to the Legislature  
6           and allow them to work. That's my first  
7           minute.

8                       I want to defer to the President  
9           of the Birmingham Bar Association, because  
10          they have acted and would like to be  
11          heard.

12                     MS. ALLISON SKINNER: Thank you,  
13          Judge. Chief, is that acceptable?

14                     CHIEF JUSTICE TOM PARKER: Well, I am  
15          going to give you a full two minutes. So,  
16          state your name, please.

17                     MS. ALLISON SKINNER: My name is  
18          Allison Skinner, and I am President of the  
19          Birmingham Bar Association. Chief Justice,  
20          it's an honor to be before you and this  
21          Commission. Thank you for allowing us to  
22          speak.

23                     I have heard many of the different



1 arguments that Jefferson County needs its  
2 judgeships. We need every single one, and  
3 you have heard from populations, serving  
4 our citizens. And one thing I haven't  
5 heard is the economic impact that it will  
6 have on our county if we can't administer  
7 justice the way we were sworn to. And  
8 that requires all our judgeships.

9 And so, I am so pleased to hear  
10 that our representatives that have been  
11 here today are willing to fight with us as  
12 a judiciary to go back and get those 20  
13 judgeships that we need throughout our  
14 State. And we might even ask for more,  
15 because we probably need them and we need  
16 them for the a future of our State.

17 So, I think this is an issue of  
18 not only our public safety, our economic  
19 stability, and the growth of our county  
20 and our State. And I would just urge this  
21 Commission to really reconsider what you  
22 thought you might have come in here to do  
23 and listen that we really need to stop,

1 send this back down the street, and get it  
2 right. Get it right for our entire court  
3 system in our entire State, and don't fall  
4 for, well, we have got to do this  
5 reallocation right this instant. Let's  
6 get it right.

7 So, I appreciate your time and  
8 commitment, and I urge you not to  
9 reallocate.

10 Thank you.

11 CHIEF JUSTICE TOM PARKER: As a  
12 followup to the point she made, the  
13 20-judgeship need is based on the last full  
14 year of operation of the courts, the 2019  
15 numbers. COVID interrupted 2020 in a major  
16 way and had some partial interruptions on  
17 2021.

18 So, once we get back to full  
19 operation, which we should this year, this  
20 year's figures may, indeed, show that we  
21 need more than 20 judgeships.

22 Okay. Yes, ma'am, you have raised  
23 your hand several times. Let's go to you.

1 MS. TISH GOTELL FAULKS: Good  
2 morning, Mr. Chairman. Thank you for  
3 recognizing me. My name is Tish Gotell  
4 Faulks. I am the legal director at ACLU of  
5 Alabama.

6 At this time yesterday, I had no  
7 idea that this Committee existed, that  
8 this was something that was of concern or  
9 interest, until I started getting phone  
10 calls. And they came flooding in, not  
11 only from people who may work as lawyers  
12 or as judges, but private citizens who are  
13 interested, startled and concerned.

14 Building on what the Chairman of  
15 the NAACP put forward, everyone is  
16 watching, deeply concerned, with the  
17 appearance of impropriety with the timing  
18 of what's occurring with this decision. I  
19 would also put forward that I am very  
20 excited and interested to see the  
21 transcript for these proceedings, because  
22 people have already written my complaint  
23 and my briefing if it comes to that. And

1           that is not a threat, that is just my  
2           personality; I love suing people.

3                   What I will say here is that, in  
4           my legal career, I have always been asked  
5           to look not only at what the statute  
6           provides, what it requires, what it  
7           suggests, but also what it does not say.  
8           And this particular statute does not  
9           compel action at this point --

10                   HON. ZACK COLLINS: That's right.

11                   MS. TISH GOTELL FAULKES: -- in this  
12           manner, nor does it provide for exceptions  
13           based on COVID, which we have learned from  
14           the election cycle should not be thrown  
15           around willy-nilly as a basis for changing  
16           the established rules.

17                   My request here would be that we  
18           opt not to reallocate this particular  
19           seat, not only because of the reasons that  
20           I just put forth, but because I believe  
21           that the candidate-elect has a due process  
22           interest here that is being ignored, and  
23           that the voters have an expectation that

1 is being trampled upon if this seat is  
2 reallocated.

3 The problems with the data are  
4 something that would be deeply troubling  
5 as we go through a litigation process, and  
6 I also think that the need and the  
7 availability of funding for more seats is  
8 something that the State of Alabama is in  
9 a much better position to pursue.

10 Thank you, Mr. Chairman.

11 SENATOR RODGER SMITHERMAN: Mr.  
12 Chairman, she is -- (inaudible).

13 CHIEF JUSTICE TOM PARKER: She's got  
14 to grant it to you.

15 SENATOR RODGER SMITHERMAN: Grant me  
16 10 seconds.

17 HON. CAROLE SMITHERMAN: Are you  
18 going to take me to lunch?

19 (Laughter).

20 SENATOR RODGER SMITHERMAN: After 43  
21 years, I better take her to lunch.

22 I am just going to reiterate what  
23 Representative England said, and I'm

1 saying that I know that there's a desire,  
2 concern, you know, to get these  
3 judgeships. But just as you were saying,  
4 Judge, I can just tell you just like this:  
5 I don't know how many you-all need, but if  
6 you don't put it to where we have to get  
7 the money, you pass the judgeship out of  
8 here, you ain't getting no money out of  
9 the Legislature, because they are not --  
10 don't see the need to do.

11 So, I am just saying, even if you  
12 take out three due to six years every -- I  
13 think it's every two years -- six years,  
14 that's all you-all are going to get,  
15 because the Legislature, you know, just  
16 like he said, you are letting the air out  
17 of the balloon for the Legislature every  
18 time that you just go and give up. They  
19 say, well, they've got a judge. They've  
20 got a judge.

21 So, I just want to say quickly  
22 that you are hurting your situation for  
23 getting 20 than you think by helping

1 getting one.

2 CHIEF JUSTICE TOM PARKER: I will say  
3 that the Weighted Caseload Study numbers from  
4 2019 show that Madison County needs 3.25 new  
5 judges. But we don't give a partial one. It  
6 would only be three.

7 CHIEF JUSTICE TOM PARKER: Yes.

8 PASTOR BASS: I am a Pastor Harold  
9 Bass. I am the pastor of the Olivet Church  
10 in North Birmingham. I am also the President  
11 and founder of CCC Incorporated, which is  
12 made up of pastors from across Jefferson  
13 County.

14 And we ask one thing: Let the  
15 vote count. Let the vote count.  
16 Jefferson County has voted and has  
17 selected someone to serve. Allow the vote  
18 to count.

19 Thank you.

20 CHIEF JUSTICE TOM PARKER: Well, I  
21 think we were at the point now -- okay.  
22 Judge Wallace. Oh, okay. Judge Wallace.

23 HON. STEPHEN WALLACE: I just wanted

1 to say -- I will be very quick -- I'm proud  
2 to serve with the judges of Jefferson County.  
3 I am proud of the mental health court that we  
4 have restarted. I'm proud of the veterans  
5 court that have restarted, and the drug court  
6 that we have. Judge Clemon talked about  
7 specialization. That is one aspect that I  
8 can assure you is not reflected in those  
9 numbers.

10 I always thought we were sort of  
11 one big family. Okay? I don't like being  
12 pitted between one jurisdiction. But I  
13 will say that 10 years ago or longer  
14 Jefferson County sent Judges to Madison  
15 County to assist them. And they didn't  
16 say, well, you better not take this Judge.  
17 It was without conditions. They did it  
18 because it was the right thing to do.

19 I think they do need more judges.  
20 Okay? I get calls about mental health  
21 court. I have gotten calls from Baldwin  
22 County. I have gotten calls from all over  
23 the State. I don't say to them, well,



1 don't take a judge, because we are all  
2 part of the same institution. We are in  
3 this together. And that's the way it  
4 should be. What happens in Jefferson  
5 County matters what happens all over the  
6 State, just as it happens anywhere else.

7 And so, I don't like being pitted.  
8 I don't like being put in this situation,  
9 but let's do the right thing. We know  
10 taking this isn't the right thing. We  
11 know it.

12 HON. ZACK COLLINS: We know it.

13 HON. STEPHEN WALLACE: Let's don't do  
14 it.

15 HON. ZACK COLLINS: That's right.

16 HON. STEPHEN WALLACE: I respect  
17 everyone here, and people of good conscience  
18 can disagree, but this isn't right.

19 (Applause).

20 CHIEF JUSTICE TOM PARKER: Well, we  
21 have a motion and a second on the floor.

22 HON. ZACK COLLINS: We have one more.

23 CHIEF JUSTICE TOM PARKER: Okay.

1           Let's let this be the last one, because we  
2           are going to need to move on.

3                   MS. TEXYS MORRIS: Good. I guess  
4           almost afternoon everybody, not quite. We  
5           are getting there.

6                   My name is Texys Morris, and I am  
7           here as a citizen of Jefferson County,  
8           also as a criminal defense attorney, and  
9           also the President of the Greater  
10          Birmingham Criminal Defense Lawyers  
11          Association.

12                   We have had a lot of very  
13          passionate discussions here. I understand  
14          there is need all over the State. I  
15          understand the need and the perspective of  
16          the rights of our voters in Jefferson  
17          County, the rights to preserve the seat  
18          that they voted for for a highly  
19          qualified, experienced judge to take that  
20          seat to assist other wonderful judges in  
21          Jefferson County.

22                   The individuals, though, that we  
23          have not thought of and considered here

1           today are the population that my  
2           organization and my life's work  
3           represents, citizens accused of crimes in  
4           Jefferson County. And when we look at  
5           this, we have talked about delayed justice  
6           is justice denied, and I have no doubt  
7           that across the State everywhere is  
8           hemorrhaging in their criminal justice  
9           system, and there are speedy trials that  
10          are not happening for so many different  
11          reasons. But we are not going to fix  
12          those problems by denying our individuals  
13          in Jefferson County --

14                   HON. ZACK COLLINS: That's right.

15                   MS. TEXYS MORRIS: -- in our court  
16          systems their day in courts. Okay? And that  
17          comes not only for the criminal defendants,  
18          who obviously are our constituency that we  
19          are working with and that we are representing  
20          tirelessly, but also for victims in the  
21          system.

22                   You have letters of support from  
23          Danny Carr, the District Attorney for

1       Jefferson County, because he recognizes  
2       also this to be very, very problematic for  
3       the victims and individuals that they  
4       represent. I understand you also have  
5       letters of support from Sheriff Pettway,  
6       who also recognizes the huge problems the  
7       backlogs in jails. We have had numerous  
8       people die in jail recently, within the  
9       last several months because of  
10      overcrowding, and it's because the system  
11      is backlogged.

12                Again, I am not underestimating  
13      the problems that are elsewhere, but what  
14      I will tell you here, and what we will  
15      commit as criminal defense lawyers, if our  
16      clients are denied speedy trials, we will  
17      file motion after motion to try to help  
18      them, because that's our job. That's  
19      our -- their constitutional rights for  
20      speedy trials. But by then -- and as we  
21      all know the circuit courts, that's the  
22      only body that can hear a jury trial in  
23      Alabama.

1           So, by taking away this one seat  
2           and, as we also know, effectively there is  
3           another seat that is also not active right  
4           now. We are further denying those rights  
5           to speedy trials, and that's something --  
6           we will advocate for our clients, but  
7           that's not what the role description is.

8           So, I would urge you to not  
9           reallocate and to please support rights --  
10          the Constitutional rights, which  
11          ultimately supercedes all of these rights,  
12          the Constitutional rights of the  
13          individuals that are most affected by this  
14          decision.

15                CHIEF JUSTICE TOM PARKER: Thank you,  
16                Ms. Morris.

17                Well, we have a motion on the  
18                table -- on the floor. It's been  
19                seconded. It's a motion to reallocate.  
20                It doesn't say to where to reallocate, but  
21                it's just whether to reallocate.

22                And so, a "yes" vote will be to  
23                reallocate. A "no" vote will be not to

1 reallocate.

2 And I am going to call the roll,  
3 and ask you to State your vote. I am  
4 going to do it in the order that it  
5 appears on the sheet that I have.

6 Clay Crenshaw?

7 MR. CLAY CRENSHAW: Yes.

8 CHIEF JUSTICE TOM PARKER: Will  
9 Parker?

10 MR. WILL PARKER: Yes.

11 CHIEF JUSTICE TOM PARKER: Butch  
12 Binford?

13 HON. BUTCH BINFORD: Yes.

14 CHIEF JUSTICE TOM PARKER: Zack  
15 Collins.

16 HON. ZACK COLLINS: No.

17 CHIEF JUSTICE TOM PARKER: Brendette  
18 Brown-Green?

19 HON. BRENDETTE BROWN-GREEN: No.

20 CHIEF JUSTICE TOM PARKER: Michael  
21 Newell?

22 HON. MICHAEL NEWELL: Yes.

23 CHIEF JUSTICE TOM PARKER: James Reid

1 is not here. Michelle Thomason?

2 HON. MICHELLE THOMASON: Yes.

3 CHIEF JUSTICE TOM PARKER: Stephanie  
4 Hunter?

5 MS. STEPHANIE HUNTER: No.

6 CHIEF JUSTICE TOM PARKER: Chris  
7 Hughes?

8 HON. CHRIS HUGHES: Yes.

9 CHIEF JUSTICE TOM PARKER: Rebekah  
10 McKinney?

11 MS. REBEKAH MCKINNEY: Yes.

12 CHIEF JUSTICE TOM PARKER: And Chief  
13 Justice Parker, yes.

14 So, we have got eight out of 11;  
15 that is our two-thirds. Yeah.  
16 Two-thirds -- It's two-thirds of the  
17 members, not two-thirds of the quorum.  
18 Two-thirds of the members would be 7.92.  
19 We have "yes" eight votes. So, that means  
20 that the seat will be reallocated.

21 But the next question is where to.  
22 And so, I will open the floor and  
23 entertain motions as to where that should

1 be reallocated to.

2 HON. MICHELLE THOMASON: Chief, I  
3 would make a motion based on the Weighted  
4 Caseload Study that we have adopted as a  
5 Commission, that -- and based on the vote of  
6 this Commission to reallocate, that we  
7 reallocate this judgeship to Madison County  
8 Circuit Court.

9 CHIEF JUSTICE TOM PARKER: Okay.  
10 Judge Thomason has made a motion to  
11 reallocate to Madison County. Is there a  
12 second for that?

13 MR. WILL PARKER: Second.

14 CHIEF JUSTICE TOM PARKER: Will  
15 Parker has seconded that.

16 So, opening the floor for  
17 discussion for members of the Commission.

18 (No response).

19 HON. ZACK COLLINS: I know the seat  
20 has been reallocated. I am just putting on  
21 the record that this is wrong. I am just  
22 putting on the record that this is wrong, and  
23 my heart is broken by that. This is wrong.



1 CHIEF JUSTICE TOM PARKER: That's out  
2 of order because --

3 HON. ZACK COLLINS: I'm sorry, Chief.  
4 I'm sorry.

5 CHIEF JUSTICE TOM PARKER: The next  
6 question.

7 HON. ZACK COLLINS: Sorry about that.  
8 Nothing further, Chief. My apologies. Okay?

9 CHIEF JUSTICE TOM PARKER: We will  
10 entertain two-minute comments from the  
11 public.

12 UNIDENTIFIED SPEAKER: How does this  
13 cycle work if you reallocate?

14 CHIEF JUSTICE TOM PARKER: It cannot  
15 be done again for two years, according to the  
16 statute.

17 UNIDENTIFIED SPEAKER: I mean, will  
18 they stand for election, or will it be  
19 appointment? Will it be an open seat for  
20 appointment by the Governor, or will it be an  
21 election in the fall?

22 MR. TODD RUSSELL: This will be  
23 handled by the existing way of handling

1           vacancies, according to the statute, in the  
2           circuit where it is placed.

3                   CHIEF JUSTICE TOM PARKER:   So, if  
4           Madison County has one of these judicial  
5           selection committees or if it's subject to  
6           election, that will be determined based on  
7           the circuit.   Yes.   This is Tiara Hudson.

8                   MS. TIARA YOUNG-HUDSON:   Thank you,  
9           Chief Justice.

10                   Respectfully, we have heard from  
11           several civil rights groups, including the  
12           ACLU very plain and clear.   I have not  
13           talked to the President.   But what sounds  
14           like is about to happen could potentially  
15           be reversed, pending litigation.   And  
16           whatever person is appointed or selected  
17           in Madison County, the same thing could  
18           happen to them if this happens to be  
19           reversed.   I just wanted to make people  
20           aware of that.

21                   CHIEF JUSTICE TOM PARKER:   Thank you,  
22           Ms. Hudson.

23                   And Senator Smitherman?

1                   SENATOR RODGER SMITHERMAN: Thank  
2                   you, Chief. I, once again, will reiterate  
3                   what Representative England said. I can --  
4                   you know, with my opinion, I can assure you  
5                   that the next action for a judge will  
6                   probably be when you-all come back in two  
7                   years.

8                   So, if you -- you know, if the  
9                   Committee chose the route to go, I respect  
10                  that, what you lawyers have to respect the  
11                  final decision of the judges. But I can  
12                  assure you, don't get some great grandeur  
13                  that we are doing this, and we are going  
14                  to fill all these others. It's not going  
15                  to happen. I am just saying that.

16                 Unfortunately, it's not going to  
17                 happen. And that's the part that kind of  
18                 disturbs me, because it's not going --  
19                 you're not going to get what you need.

20                 CHIEF JUSTICE TOM PARKER: Senator,  
21                 thank you for your comments, but it's not  
22                 germane to the question on the table right  
23                 now.

1                   SENATOR RODGER SMITHERMAN: Oh, I am  
2                   sorry, Judge.

3                   CHIEF JUSTICE TOM PARKER: Okay.  
4                   There's a motion on the floor to reallocate  
5                   this judgeship to Madison County. Let me  
6                   call the roll on this.

7                   Clay Crenshaw?

8                   MR. CLAY CRENSHAW: Yes.

9                   CHIEF JUSTICE TOM PARKER: Will  
10                  Parker?

11                  MR. WILL PARKER: Yes.

12                  CHIEF JUSTICE TOM PARKER: Butch  
13                  Binford?

14                  HON. BUTCH BINFORD: Yes.

15                  CHIEF JUSTICE TOM PARKER: Zack  
16                  Collins?

17                  HON. ZACK COLLINS: No.

18                  CHIEF JUSTICE TOM PARKER: Brendette  
19                  Brown-Green?

20                  HON. BRENDETTE BROWN-GREEN:  
21                  Abstain.

22                  CHIEF JUSTICE TOM PARKER: Mike  
23                  Newell?

1 HON. MICHAEL NEWELL: Yes.

2 CHIEF JUSTICE TOM PARKER: James Reid  
3 is not here. Michelle Thomason?

4 HON. THOMPSON: Yes.

5 CHIEF JUSTICE TOM PARKER: Stephanie  
6 Hunter?

7 MS. STEPHANIE HUNTER: No.

8 CHIEF JUSTICE TOM PARKER: Chris  
9 Hughes?

10 HON. CHRIS HUGHES: Yes.

11 CHIEF JUSTICE TOM PARKER: Rebekah  
12 McKinney?

13 MS. REBEKAH MCKINNEY: Yes.

14 CHIEF JUSTICE TOM PARKER: And I  
15 vote, yes.

16 So, that concludes the business of  
17 this meeting. I would like to ask Senator  
18 Smitherman and Representative England if I  
19 could meet with you afterward, please.

20 HON. BRENDETTE BROWN-GREEN: Chief,  
21 before we conclude, I, too, would like to say  
22 on the record I am a little disappointed. I  
23 will certainly abide by the decision that has

1           been made by this esteemed body. I respect  
2           this body. I am honored to be a part of  
3           this. But I am a little disappointed because  
4           I am willing to abide by that, but we chose  
5           not to abide by the voices of over 30,000  
6           Jefferson County voters.

7                        So, for the record, it makes me  
8           wonder what is the problem with Jefferson  
9           County? And again, I am the new kid on  
10          the block. I laid out for you the  
11          argument for why we should not reallocate  
12          this, along with everyone else and I am  
13          not going to rehash that. I identified a  
14          solution: Get the money, fill the seats.  
15          We did not do it.

16                      So, if we are not willing to solve  
17          the problem -- which is not one judge,  
18          it's 20 judgeships -- then what is this  
19          about? Is it about race? Just tell me  
20          what it is about. What is it about so I  
21          can understand, Chief. I just want to  
22          understand so that I can effectively serve  
23          on this Commission.

1 CHIEF JUSTICE TOM PARKER: I will ask  
2 that the record reflect that we had an  
3 African-American judge from Madison County  
4 speak in favor of this. This is not solely  
5 black versus white.

6 HON. BRENDETTE BROWN-GREEN: Yes, it  
7 is.

8 CHIEF JUSTICE TOM PARKER: So, thank  
9 you for your attendance today. With this  
10 completed we now stand adjourned.

11  
12 (At which time, the Judicial  
13 Resources Allocation  
14 Commission adjourned meeting  
15 at 11:56 A.M.)  
16  
17  
18  
19  
20  
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22  
23

## 1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,

3 ELMORE COUNTY,

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

8 BEFORE THE STATE OF ALABAMA

9 JUDICIAL RESOURCES ALLOCATION COMMISSION

10 HEFLIN-TORBERT

11 JUDICIAL BUILDING

12 THURSDAY, JUNE 9TH, 2022

13 10:00 A.M.

14 \* \* \* \* \*

15 On Thursday, June 9th, 2022.

16 The foregoing 119 computer-printed pages  
17 contain a true and correct transcript of the  
18 statements by the persons attending the meeting.

19 I further certify that I am neither of  
20 relative, employee, attorney or counsel of any of  
21 the persons attending the meeting, nor am I a  
22 relative or employee of these persons, nor am I  
23 financially interested in the results thereof. All



1 rates charged are usual and customary.

2 I further certify that I am duly licensed  
3 by the Alabama Board of Court Reporting as a  
4 Certified Court Reporter as evidenced by the ACCR  
5 number following my name found below.

6 This 5th day of July, in the year of our  
7 Lord, 2022.

8  
9  
10  
11 *JS/Jeana S. Boggs*  
12 Jeana S. Boggs, CCR  
13 ACCR NO. 7 Exp 9/30/22  
14 Certified Court Reporter and  
15 Notary Public  
16 Commission expires: 8/9/2022  
17  
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<b>CHIEF JUSTICE TOM PARKER:</b> [94] 3/21 4/18 5/22 6/2 6/5 6/8 6/12 6/15 6/18 6/20 7/1 7/4 7/7 7/10 8/21 9/5 10/10 10/18 31/5 31/10 44/7 48/4 54/5 55/7 60/11 60/15 60/21 61/1 61/6 61/8 62/13 64/17 64/20 66/2 66/4 66/9 70/13 74/8 77/11 77/18 79/15 81/16 83/14 84/9 85/12 86/9 86/18 88/7 88/12 92/7 92/12 94/13 95/13 96/14 98/11 101/13 103/2 103/7 103/20 105/20 105/23 109/15 110/8 110/11 110/14 110/17 110/20 110/23 111/3 111/6 111/9 111/12 112/9 112/14 113/1 113/5 113/9 113/14 114/3 114/21 115/20 116/3 116/9 116/12	116/15 116/18 116/22 117/2 117/5 117/8 117/11 117/14 119/1 119/8 <b>DR. RICH HOBSON:</b> [2] 4/12 4/15 <b>HON. U.W. CLEMON:</b> [1] 92/14 <b>HON. BRENDETTE BROWN-GREEN:</b> [18] 6/10 8/17 9/1 10/6 10/12 10/19 12/14 12/22 13/5 22/1 22/6 31/3 31/7 54/7 110/19 116/20 117/20 119/6 <b>HON. BUTCH BINFORD:</b> [3] 6/4 110/13 116/14 <b>HON. CAROLE SMITHERMAN:</b> [4] 92/5 92/9 95/15 101/17 <b>HON. CHRIS HUGHES:</b> [3] 7/6 111/8 117/10 <b>HON. CLAUDE HUNDLEY:</b> [2] 88/8 88/14	<b>HON. ELISABETH FRENCH:</b> [1] 62/17 <b>HON. JOHN ENGLAND:</b> [10] 12/12 77/15 77/20 78/18 78/23 79/8 79/11 79/16 81/3 81/14 <b>HON. MICHAEL NEWELL:</b> [3] 6/14 110/22 117/1 <b>HON. MICHAEL STREETY:</b> [2] 64/18 64/22 <b>HON. MICHELLE THOMASON:</b> [3] 6/22 111/2 112/2 <b>HON. PATRICK TUTEN:</b> [1] 94/16 <b>HON. STEPHEN WALLACE:</b> [3] 103/23 105/13 105/16 <b>HON. THOMPSON:</b> [1] 117/4 <b>HON. WILL PARKER:</b> [1] 9/4 <b>HON. ZACK COLLINS:</b> [16]
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<b>HON. ZACK COLLINS:...</b> [16] 6/7 31/12 61/7 66/3 75/20 78/22 100/10 105/12 105/15 105/22 107/14 110/16 112/19 113/3 113/7 116/17 <b>MR. BERNARD SIMELTON:</b> [1] 86/20 <b>MR. CLAY CRENSHAW:</b> [4] 5/21 9/3 110/7 116/8 <b>MR. TODD RUSSELL:</b> [1] 113/22 <b>MR. WILL PARKER:</b> [4] 6/1 110/10 112/13 116/11 <b>MS. ALLISON SKINNER:</b> [2] 96/12 96/17 <b>MS. OLIVE WILCOX:</b> [1] 62/1 <b>MS. REBEKAH MCKINNEY:</b> [5] 7/9 44/9 78/17	111/11 117/13 <b>MS. STEPHANIE HUNTER:</b> [8] 7/3 48/6 60/13 60/17 60/22 61/3 111/5 117/7 <b>MS. TEXYS MORRIS:</b> [2] 106/3 107/15 <b>MS. TIARA YOUNG-HUDSON:</b> [2] 81/20 114/8 <b>MS. TISH GOTELL FAULKS:</b> [2] 99/1 100/11 <b>PASTOR R.L. PATTERSON:</b> [1] 83/16 <b>PASTOR BASS:</b> [1] 103/8 <b>REP. CHRIS ENGLAND:</b> [3] 74/10 75/21 79/6 <b>REP. MERIKA COLEMAN:</b> [3] 84/11 86/4 86/16 <b>SENATOR RODGER SMITHERMAN:</b> [8] 66/5 66/11 70/15 101/11	101/15 101/20 115/1 116/1 <b>UNIDENTIFIED SPEAKER:</b> [3] 81/18 113/12 113/17 <hr/> \$ <hr/> \$20 [1] 71/11 \$20 million [1] 71/11 \$3,000 [1] 80/21 \$40,000 [2] 19/9 82/11 \$6 [1] 28/14 \$6-million [1] 28/14 <hr/> . <hr/> ...eight [1] 14/20 ...with [1] 14/19 <hr/> 1 <hr/> 10 [3] 85/18 101/16 104/13 10,000 [1] 24/14 100 [1] 85/8 10:00 [3] 1/5 1/19 120/13 10th [1] 24/16 11 [4] 7/10 38/1 85/18 111/14 119 [1] 120/16 11:56 [1] 119/15
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<b>1</b>	<b>98/13</b>	<b>2021 [5] 8/6 35/17</b>
<b>12 [3] 7/11 14/8</b>	<b>20-something [1]</b>	<b>35/18 35/22 98/17</b>
<b>28/5</b>	<b>78/1</b>	<b>2022 [13] 1/4 1/20</b>
<b>12-9A-1 [3] 4/19</b>	<b>200,000 [1] 94/22</b>	<b>4/2 14/5 16/15</b>
<b>45/12 92/22</b>	<b>2000 [1] 66/19</b>	<b>20/15 28/5 36/2</b>
<b>12-9A-2 [5] 7/15</b>	<b>2005 [1] 83/6</b>	<b>79/10 120/12</b>
<b>13/14 13/20 13/21</b>	<b>2007 [1] 57/22</b>	<b>120/15 121/7</b>
<b>45/5</b>	<b>2010 [1] 66/19</b>	<b>121/13</b>
<b>14 [12] 13/7 16/10</b>	<b>2014 [3] 33/10</b>	<b>21 [1] 38/6</b>
<b>16/11 16/14 20/18</b>	<b>34/10 37/2</b>	<b>21st [4] 33/8 34/14</b>
<b>22/10 27/5 29/18</b>	<b>2015 [3] 33/10</b>	<b>56/12 56/19</b>
<b>50/8 58/23 65/1</b>	<b>34/11 37/3</b>	<b>22 [1] 121/12</b>
<b>82/2</b>	<b>2016 [3] 33/11</b>	<b>23rd [2] 33/11</b>
<b>150 [1] 82/11</b>	<b>34/11 37/3</b>	<b>34/15</b>
<b>151 [1] 57/15</b>	<b>2017 [19] 7/23 8/8</b>	<b>24 [1] 17/2</b>
<b>16 [2] 82/20 83/1</b>	<b>32/10 33/7 33/8</b>	<b>24th [6] 17/18 18/2</b>
<b>16,000 [1] 23/22</b>	<b>34/15 35/10 36/7</b>	<b>18/11 18/21 57/14</b>
<b>170 [1] 19/10</b>	<b>36/11 36/23 37/12</b>	<b>82/15</b>
<b>19 [2] 37/3 84/14</b>	<b>37/15 38/3 38/6</b>	<b>26 [1] 56/7</b>
<b>1974 [1] 94/19</b>	<b>56/12 56/14 56/21</b>	<b>27 [1] 78/2</b>
<b>1994 [2] 66/18</b>	<b>64/4 90/1</b>	<b>28 [3] 16/14 78/2</b>
<b>71/16</b>	<b>2017-42 [1] 38/9</b>	<b>82/7</b>
<b>1st [5] 5/4 7/17</b>	<b>2018 [11] 8/8 32/19</b>	<b>28th [1] 80/19</b>
<b>16/21 17/22 34/4</b>	<b>34/4 35/3 35/11</b>	<b>2nd [1] 37/23</b>
<b>2</b>	<b>35/12 35/13 35/13</b>	<b>3</b>
<b>20 [13] 14/7 15/4</b>	<b>37/11 37/23 38/1</b>	<b>3.25 [1] 103/4</b>
<b>15/10 15/23 20/19</b>	<b>2019 [8] 8/8 8/14</b>	<b>30 [4] 66/15 66/16</b>
<b>28/5 30/8 41/8 49/5</b>	<b>24/11 35/4 35/11</b>	<b>67/13 80/16</b>
<b>97/12 98/21 102/23</b>	<b>35/14 98/14 103/4</b>	<b>30,000 [6] 18/12</b>
<b>118/18</b>	<b>2020 [7] 23/11 35/4</b>	<b>18/17 19/8 82/14</b>
<b>20-judgeship [1]</b>	<b>35/14 35/19 64/7</b>	<b>87/4 118/5</b>
	<b>82/7 98/15</b>	<b>30-plus [2] 19/12</b>

<b>3</b>	<b>9</b>	<b>93/10 104/6 104/20</b>
<b>30-plus... [1] 19/20</b>	<b>9/30/22 [1] 121/12</b>	<b>107/5 113/7 114/14</b>
<b>300 [2] 1/18 24/22</b>	<b>9TH [5] 1/4 1/20</b>	<b>118/19 118/19</b>
<b>350 [1] 24/2</b>	<b>4/2 120/12 120/15</b>	<b>118/20 118/20</b>
<b>39-year [1] 95/16</b>	<b>A</b>	<b>above [1] 65/2</b>
<b>4</b>	<b>a.m [4] 1/5 1/20</b>	<b>absolutely [2]</b>
<b>4,000 [1] 24/19</b>	<b>119/15 120/13</b>	<b>47/20 50/9</b>
<b>40 [1] 72/8</b>	<b>abide [3] 117/23</b>	<b>Abstain [1] 116/21</b>
<b>400 [1] 24/22</b>	<b>118/4 118/5</b>	<b>accelerated [1]</b>
<b>42 [1] 38/9</b>	<b>ability [2] 11/13</b>	<b>21/4</b>
<b>43 [1] 101/20</b>	<b>75/8</b>	<b>accept [2] 75/18</b>
<b>44 [1] 23/16</b>	<b>able [8] 4/7 4/21</b>	<b>76/12</b>
<b>48 [1] 94/23</b>	<b>21/7 27/15 47/15</b>	<b>acceptable [1]</b>
<b>5</b>	<b>49/1 60/2 64/1</b>	<b>96/13</b>
<b>53 [2] 59/9 82/16</b>	<b>abolish [1] 58/14</b>	<b>access [1] 95/7</b>
<b>5th [5] 14/5 14/16</b>	<b>about [56] 9/19</b>	<b>accompanying [2]</b>
<b>20/15 28/4 121/6</b>	<b>18/7 24/5 24/20</b>	<b>14/20 14/22</b>
<b>6</b>	<b>26/10 28/14 29/11</b>	<b>accomplish [2]</b>
<b>60 [1] 24/20</b>	<b>29/13 40/14 43/12</b>	<b>65/18 65/19</b>
<b>658,615 [1] 23/12</b>	<b>43/14 49/11 50/5</b>	<b>accomplished [1]</b>
<b>7</b>	<b>50/11 50/12 51/5</b>	<b>57/8</b>
<b>7,500 [1] 24/18</b>	<b>52/21 57/3 64/4</b>	<b>according [3] 44/2</b>
<b>7.92 [1] 111/18</b>	<b>65/3 66/14 67/9</b>	<b>113/15 114/1</b>
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<b>115/10 115/19</b>	<b>89/21 89/22 93/21</b>	<b>63/6 63/7 66/7 68/6</b>
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