

MEETING OF THE ALABAMA JUDICIAL RESOURCES ALLOCATION COMMISSION

TUESDAY, DECEMBER 12, 2023

10:00 a.m.

LOCATION HELD:

Heflin-Torbert Judicial Building
Large Classroom
300 Dexter Avenue
Montgomery, Alabama 36104-3741

FINAL COPY

Members Attending:

	ENTITY/ CIRCUIT/COUNTY	OFFICIAL BASE CITY	APPOINTING ENTITY
Chief Justice Tom Parker	Supreme Court of Alabama	Montgomery	
Judge Butch Binford	20th Judicial Circuit	Dothan	President, Circuit Judges Association
Judge Brendette Brown-Green	10th Judicial Circuit	Birmingham	President, Circuit Judges Association
Judge Michael E. Newell	Winston County	Double Springs	President, District Judges Association
Judge James Reid	Retired-28th Judicial Circuit,	Bay Minette	President, Alabama State Bar
Judge Michelle Thomason	Baldwin County	Foley	President, District Judges Association
Mr. Clay Crenshaw	Attorney General's Office	Montgomery	Attorney General
Mr. Will Parker	Office of the Governor	Montgomery	Governor
Ms. Stephanie Hunter	10th Judicial Circuit	Birmingham	President, Alabama Lawyers Association

	ENTITY/ CIRCUIT/COUNTY	OFFICIAL BASE CITY	APPOINTING ENTITY
<u>Others Attending:</u>			
Dr. Rich Hobson	The Alabama Administrative Office of Courts (The AOC)	Montgomery	
Mr. Ben DuPre'	Office of the Chief Justice	Montgomery	
Ms. Cary McMillan	The Alabama Administrative Office of Courts (The AOC)	Montgomery	
Ms. Mandi Hall	The Alabama Administrative Office of Courts (The AOC)	Montgomery	
Mr. Todd Russell	The Alabama Administrative Office of Courts (The AOC)	Montgomery	
Mr. Bob Maddox	The Alabama Administrative Office of Courts (The AOC)	Montgomery	
Ms. Jillian Peek	The Alabama Administrative Office of Courts (The AOC)	Montgomery	
Mr. Michael Gregory	The Alabama Administrative Office of Courts (The AOC)	Montgomery	
Ms. Beverly Slack	Court Reporter		

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CHIEF JUSTICE PARKER: Well, I

officially declare that this Commission is present
and open, now. We're going to have an official
transcript of today's meeting prepared by the
official court reporter, and a certified copy of
the transcript of the meeting.

And, a copy of the report will be
submitted to the Governor and the Legislature.
And, it will also be published on the website of
the Administrative Office of Courts.

And, let me now read for the record
those who are present. And, I'm just going to go
around the room.

CHIEF JUSTICE PARKER: Stephanie Hunter.

MS. HUNTER: Present.

CHIEF JUSTICE PARKER: Judge Jim Reid.

JUDGE REID: Present.

CHIEF JUSTICE PARKER: Judge Mike
Newell.

JUDGE NEWELL: Present.

CHIEF JUSTICE PARKER: Judge Michelle

1 Thomason.

2 JUDGE THOMASON: Present.

3 CHIEF JUSTICE PARKER: Judge Butch

4 Binford.

5 JUDGE BINFORD: Present.

6 CHIEF JUSTICE PARKER: Judge Brendette

7 Brown-Green.

8 JUDGE BROWN-GREEN: Present.

9 CHIEF JUSTICE PARKER: The Governor's
10 Legal Advisor, Will Parker.

11 MR. PARKER: Present.

12 CHIEF JUSTICE PARKER: And, Clay, is it
13 Deputy Attorney General? What's the title?

14 MR. CRENSHAW: Yes, Chief Deputy,
15 Attorney General.

16 CHIEF JUSTICE PARKER: Chief Deputy,
17 okay. Clay Crenshaw.

18 MR. CRENSHAW: I'm here.

19 CHIEF JUSTICE PARKER: So, we do have a
20 quorum. So, we are officially convened today.

21 And I, of course, am designated as Chairman by
22 statute. What I want to do first is just stress
23 that we will not be entertaining any reallocations

1 until 2027, pursuant to the Act 2023-315 that
2 created the new judgeships and in the course
3 extended the delay a little longer.

4 So, what we're doing is just keeping
5 this running and preparing for this new Weighted
6 Caseload Study that we've had. And, the purpose
7 of the meeting today is to determine if there's
8 any need for increasing or decreasing the number
9 of judgeships in circuit and district courts.

10 So, we want to leave here today having
11 determined the need, overall. And, then as Chair,
12 I'll provide the Governor and the Legislature with
13 a letter detailing our conclusions.

14 So, first of all, we want to go back to
15 our FY 2022 data report. And, Cary and Michael,
16 which one of you share that?

17 MR. GREGORY: Cary is going to do this
18 part, right?

19 MS. McMILLAN: Yes.

20 CHIEF JUSTICE PARKER: Okay.

21 MR. GREGORY: Well, I can do it.

22 MS. McMILLAN: So, we're going to start
23 with just this report, the 2022. I will start

1 with we discussed and it was approved that the
2 referees have always been counted as one. And,
3 with the new Study, it was decided that really
4 referees should not count as a full judge, that
5 they should be 0.75 because then the judge does
6 have to come back in and read the recommendations
7 and orders and ratify them.

8 And, so, and there's certain orders that
9 they can't do that the judge then has to do. So,
10 we just wanted to -- so, that was changed to 0.75
11 of a regular judge.

12 I'm sorry, Cary McMillan. I'm sorry, I
13 didn't start with my name.

14 So, that is what has changed. So,
15 Michael is going to go over what that means on the
16 report. So, Michael Gregory.

17 MR. GREGORY: Michael Gregory, sorry for
18 the confusion there. Basically, what we did on
19 this is we went back to the '22 Weighted Caseload
20 Study that we did in 2022 that was approved by the
21 Supreme Court and the Reallocation Commission.

22 That was, we've added the 7, 0.75, 75%
23 for referees into the '22 numbers. And, this is

1 the Fiscal Year '22 numbers and recalculated the
2 difference of the surplus there on the right-hand
3 side, next to the last column.

4 The final column there is the ranking
5 that they received. And, there's only -- there's
6 subtle differences in the ranking from 2022, that
7 study. DeKalb County went from -- ranked third to
8 fourth.

9 Madison County ranked fifth to third.
10 And, I'm looking at the district right now on the
11 first sheet. And, Shelby County went from four to
12 five.

13 Those are the main differences based on
14 solely the 75% of the referee value versus the
15 100.

16 Then, on the next page, the circuit, a
17 little more changed on this one. And, a lot of
18 what changed is just the ranking. The numbers
19 didn't really change a whole lot, but changing it
20 to 0.75 and Tuscaloosa moved in from fourth to --
21 or from 7 to 4 in the ranking of needed judges.

22 Calhoun and Cleburne in the 7th Circuit
23 went from 10 to 11. And, the 8th Circuit, which

1 is Morgan County went from 8 to 9.

2 Mobile made a pretty big jump. They
3 actually went to a need of 1.24 judges from
4 previously needing a little less than half a
5 judge, but they jumped from 11 to 7 in the
6 ranking.

7 Madison moved from 5th to 6th. That was
8 the 23rd Circuit. The 34th Circuit, Franklin,
9 which was a little bit of an anomaly on the last
10 year's study went from 4th to 5th.

11 The 37th Circuit, Lee County, went from
12 6 to 8. And, Blount County, the very last one
13 went from 9th to 10th.

14 So, those are the changes that were
15 recognized by the change in the referee by a 100%
16 to 75%. Again, these are the '22 numbers, the
17 Fiscal Year '22 numbers, we just redid that using
18 the 75% value.

19 CHIEF JUSTICE PARKER: And, let me
20 interject, a little more explanation here. All
21 the judges here know that we have full-time or
22 part-time referees and what this change is dealing
23 with is only the full-time referees. Since, I

1 think it was 1977, we had been treating them as 1,
2 an equivalent to a judgeship.

3 MR. GREGORY: Yes.

4 CHIEF JUSTICE PARKER: But, after the
5 examination that was brought about by the new
6 Weighted Caseload Study, they realized that it
7 would -- we could justify treatment only as 0.75.

8 Now, the significance of that is -- now,
9 let's go back to the previous treatment treating
10 them as one. That means their caseload is not
11 used to calculate the additional need because they
12 are meeting a full judgeship caseload, but now
13 treating it only as 0.75, part of their caseload
14 goes into calculating the overall need for the
15 circuit.

16 DR. HOBSON: And, Chief Justice Parker,
17 if you don't mind if I just piggy-back on Michael.
18 I'm Rich Hobson. And, so the changes in doing
19 this, for district judges, there's no change, no
20 drastic changes as Michael was talking about, but
21 in the circuit, there's just the addition of one,
22 in terms of the whole judge and that is Mobile.
23 So, the 13th Circuit.

1 MR. GREGORY: Okay.

2 CHIEF JUSTICE PARKER: So, what we have
3 just presented to us is a modification of what we
4 approved last year that was the basis for the
5 legislation creating the first new judgeships that
6 we've had since 2008. And, they were broken down
7 into two year cycles, the '24 election and then
8 the '26 election.

9 So, what's being proposed now is just to
10 readopt that with the modification of the
11 treatment of the referees reducing it from 1.0 to
12 0.75. And, so I would entertain a motion to
13 readopt that modification.

14 JUDGE NEWELL: Chief, I'll make the
15 motion.

16 CHIEF JUSTICE PARKER: Mike Newell.

17 JUDGE BROWN-GREEN: Brendette Brown-
18 Green, second.

19 CHIEF JUSTICE PARKER: Okay. Any
20 discussion on that?

21 (No audible response.)

22 CHIEF JUSTICE PARKER: All in favor,
23 signify by raising your hand.

1 (Commission Members complying with request.)

2 CHIEF JUSTICE PARKER: So, that's
3 unanimous. Okay, thank you.

4 And, now, we're going to turn to a
5 discussion of this ongoing project that we've had
6 to redo the Weighted Caseload Study. And, Cary,
7 are you going to do that or Michael?

8 MS. McMILLAN: Mike was going to do
9 that.

10 CHIEF JUSTICE PARKER: Okay, and let me
11 just say something that's kind of a preface. The
12 process is long and involved, bringing in the
13 experts to do this.

14 And, so, sometimes we have done an
15 interim Delphi method rather than actual evidence-
16 based method, which we had just been undergoing
17 now.

18 The Delphi is an estimate and that's why
19 you need to readjust it, occasionally, by definite
20 evidence based process.

21 So, Michael, if you would present it,
22 please.

23 MR. GREGORY: Yes, sir.

1 MS. McMILLAN: We're going to hand it
2 out, hand out the power point because some of the
3 numbers are small.

4 MR. GREGORY: All right, everybody got a
5 copy?

6 (Affirmative response from Commission
7 Members.)

8 MR. GREGORY: All right. So, we had
9 some exciting stuff happen this year with the
10 National Center for State Courts coming in and had
11 a chance to redo our Weighted Caseload Study and
12 some really good things came out of it, just
13 completed it and it hasn't been long at all.

14 Some of you served on some of the
15 Committees we had that are actually, our big
16 Committee that decided most of this and kudos to
17 them for suffering through all the data and
18 discussion about these case weights, and what they
19 should be and the combination of different
20 categories and cases. So, they did a great job in
21 determining that. And, I think we had a very
22 thorough study and we were satisfied with it, as
23 well as them in the National Center for State

1 Courts were excited about it and satisfied with it
2 as well.

3 The Power Point I got is just really
4 brief, but it will go over some major points of
5 that study and what we learned and what we did.
6 The clicker is not working. I'm going to leave it
7 over here.

8 All right. So, this is just a refresher
9 in case you've forgotten what a case weight was,
10 but the case weights reflect the average number of
11 case-related minutes the judges spend per year
12 processing each of the different types of cases,
13 okay. And, I know I've explained this separately
14 to some of you and it gets very complicated, is
15 why I put a reminder there of actually what a case
16 weight was because it's very important. Has
17 everybody got that?

18 All right, a little background on what
19 we did this past year. We updated the weighted
20 caseload and that ensures that they continually or
21 they accurately depict what's going on out there
22 in the judicial world.

23 The 2016 Weighted Caseload Study used

1 the Delphi method and that's the previous Study we
2 did prior to this. The Delphi Method is where the
3 Committee has established an expert opinion. The
4 experts are gathered together and they come up in
5 a general consensus on average times it takes to
6 do the judicial work. And, that was -- we had a
7 great Study then and we relied on it and we've
8 done some good things with that Study.

9 Again, it was time to update it. It was
10 a little bit controversial. We had some opinions
11 in the judiciary where the experts might not have
12 been experts, even though they were fellow judges,
13 but they didn't speak for everybody. And, I
14 guess, was the best thing to say, the best way to
15 explain it.

16 It was just the average consensus and
17 then coming up with numbers. So, every judge
18 wasn't involved in it. So, the 2023 Study, we
19 decided to do was a time study. And, we sent out
20 surveys, the National Center for State Courts did,
21 I'll say we. They sent out surveys to all of the
22 district and circuit judges across the State.

23 They were completed by, I want to say it

1 was 84% of all of our circuit and district judges,
2 which is incredible. That number is one of the
3 highest ones that the National Center for State
4 Courts recognizes. Alabama should be very proud.
5 The judiciary, specifically, should be very proud
6 that they participated at that higher level.

7 All right. So, we've collected three
8 types of data in this 2023 Study. All right,
9 we've tracked the time for a period of four weeks.
10 We went from April 10th to May 5th, which was a
11 total of 19 working days and was not including the
12 weekends, which they actually did have questions
13 during the Study that gave them opportunities to
14 add in time for after the eight-hour workday or
15 after the weekday, they could add in time for
16 anything they did after five o'clock or over the
17 weekend.

18 So, we did give them the opportunity to
19 do that, but it was 19 total days, working days
20 that we used there. The -- we also gave them a
21 chance when they completed this study to do an
22 Adequacy of Time on the Survey.

23 And, this gave them the availability to

1 answer questions regarding whether or not they had
2 enough time each day to complete the tasks
3 effectively, not completing the task, rushing
4 through it and not giving it all their effort, but
5 effectively completing the task. And, I'll go
6 over the Adequacy of Time Study here in a minute.
7 It looks really interesting.

8 We've established some focus groups for
9 the circuit and district judges and we've captured
10 feedback from the time tracking results. And, the
11 next page, which is, I'm looking at here and
12 you'll skip that one so you can pull it up to the
13 next page.

14 I'm going to go over the differences.
15 All right, and these are the differences we came
16 up with. Compared to 2016, I'll go over some of
17 the weights. I'll change this up here. I forget,
18 I've got the Power Point going on.

19 I know that's -- you can't see that,
20 probably, anyway. So, you've got this in front of
21 you.

22 But, the major change is here, you'll
23 notice the capital crimes went down a little bit.

1 You can refer back to this page if you'd like to.
2 Go on to the next page and I'm going to go on to
3 the notable changes there.

4 Class A felonies have got a whole new
5 category for itself. It was given a weight of
6 202. Other felonies were given a separate
7 category, which includes the B, C and D felonies.

8 That combined from the previous Study.
9 The felony counts for person, property and drugs
10 in other categories, which previously had a weight
11 of 33, so ...

12 We also, big in this Study was emphasis
13 on capturing the possession of the obscene
14 materials depicting a minor. These cases present
15 somewhat of a conundrum for us because they can
16 multiply in the amount of counts that's someone is
17 charged with because the computer has these images
18 on it. The D.A.s across the State will charge the
19 individual one count for every image document they
20 have on the computer.

21 So, we end up having 500 or 600 counts
22 up to a 1,000 counts on a single case, in these
23 type cases. So, we've had to create our own

1 category for that and we gave it a weight of 13,
2 which is lower than it previously was.

3 Previously, these were captured in
4 personal felonies, which were given a much higher
5 weight. So, we've lowered the weight to capture
6 those higher count cases and I think that's going
7 to do us some good.

8 Also, I will tell you in our Study, we
9 recognize something else. There's also a Class A
10 felony, which is production of these same type
11 images, which we've noticed are starting to pop up
12 across the State.

13 We had some high count cases, I believe
14 in Lauderdale County this past year, which
15 included those -- their PMIO, I believe, is the
16 charge code, but, again they are Class A felonies.
17 We went over it with our group this past year and
18 decided not to do anything, but quite possibly
19 that could be coming up in the future and it's
20 something else we'll have to look at when we do
21 the future Weighted Caseload Study.

22 MS. McMILLAN: We just -- this is Cary
23 McMillan. Production is just a whole different

1 ball game than possession of these pornographic
2 materials.

3 MR. GREGORY: And, generally, there's not
4 a -- we don't see near as many charges for the
5 latter. We see these PMIO charges, certain D.A.s
6 will, for some reason, charge, pursue more of
7 those production items.

8 Okay. General Civil Tort, that weight
9 increased or decreased from 203 to 194. Property
10 disputes was also given its own category. This
11 was considered Other Civil in the previous Study.
12 It's got its own category now with the weight of
13 194, just like General Civil Tort. We actually
14 include those. We put them in one pile when we do
15 our Study since they get the same weight.

16 Separate category was created for
17 Complex Litigation, which was a big discussion of
18 our Study Group. And, this includes your Wrongful
19 Death, Product Liability, the AEMLD, which is the
20 Alabama Extended Manufacturers Liability cases.

21 Malpractice, which is Medical, Legal and
22 Other types of Malpractice included. And, that
23 was given a weight of 560. So, a big change

1 there, but that was the much discussion involved
2 with our Committee and they decided to put a big
3 emphasis on this Complex Litigation, which happens
4 throughout the State. All right, Domestic
5 Relations, Uncontested weight increased from 11 to
6 31.

7 All right, and then the next page, we've
8 got more here. Juvenile Dependency Weight
9 decreased from 130 to 108. TPR is the juvenile
10 TPR cases. That weight increased from 555 to 640.
11 So, it was a big emphasis in our Committee that we
12 needed to increase the weight for the TPR cases.
13 A lot of time spent on those.

14 Child Support and Paternity, we combined
15 those two. We made one category for that. That's
16 given a weight of 33 now. And, the Treatment
17 Courts, the previous Study in 2013, we used the
18 calculation of 16.5% of the case related minutes.
19 Those are cases involved in these drug courts and
20 treatment courts.

21 This year, on this Study, we gave its
22 own category and its own weight of 182. So, and
23 that's per participant each year, per year. So,

1 if they're in the program for two years, they get
2 -- you get credit for that. So, you don't have to
3 worry about somebody being in the program for two
4 years and it not counting.

5 All right, we go to the next page, I've
6 got the District Weight Comparison. All right,
7 and, again, this is the 2016 study on the left and
8 '23 on the right.

9 If you'll go ahead and flip to the next
10 page, we'll go over those notable changes in the
11 District from 2016 to 2023.

12 The Capital Crime weight, that increased
13 significantly, 99 to 217. So, there's a lot more
14 happening in the district court with the capital
15 felonies than previously determined by the Delphi
16 Committee.

17 Class A Felony weight increased 10, from
18 35 to 45. Misdemeanor weight decreased from 22 to
19 12. The DUI weight increased from 33 or decreased
20 from 33 to 22.

21 In 2016, the Civil, District Civil and
22 Small Claims is included with Unlawful Detainer
23 and everything is in one category. Small Claims

1 and Unlawful Detainer were given separate
2 categories in 2023.

3 All right, the next page, some other
4 things that were addressed by the Committee, these
5 other factors, just some interesting things here.
6 The Presiding Judges, we went back and contacted
7 each one of them.

8 I talked to some of you in the room. I
9 tracked you down over a period of about a week.
10 And, I believe I talked to everyone and got
11 information on how much work district judges were
12 doing in the circuit court and vice versa, what
13 the judges are doing in district court.

14 And, I got some good information, and it
15 changed a little bit on how we calculate some of
16 this. So, the credit given for district judges
17 doing circuit work changed a little bit on the
18 2023 Study.

19 But, the 2016 Study only accounted for
20 the district judges hearing circuit court cases.
21 And, the 2023 Study, we also include the circuit
22 judges hearing district court cases.

23 So, they get credit for that, even

1 though, it's not near as much as district judges
2 doing circuit work.

3 JUDGE NEWELL: Mike Newell. Can I ask
4 you a question? All right, I know a bunch because
5 I do, I know a bunch of district judges hear
6 divorce cases full time.

7 MR. GREGORY: Yes, sir.

8 JUDGE NEWELL: Is that work or is that
9 showing an application towards, potentially, a
10 circuit judge need or in an area like mine where,
11 historically, your district judge is your family
12 court judge. Does it show as a district court
13 need? Does that make sense?

14 MR. GREGORY: Your district court need,
15 if you're providing that, it takes away from the
16 circuit.

17 JUDGE NEWELL: Okay.

18 MR. GREGORY: The district court judge,
19 if they're doing work to hear all the divorce
20 cases or some of them, everything they're hearing
21 is subtracted from the circuit judges side. So,
22 it's not really -- and it's adding to yours in the
23 district court.

1 JUDGE NEWELL: Okay.

2 MR. GREGORY: Does that make sense?

3 JUDGE NEWELL: It makes perfect sense.
4 I understand that.

5 MR. GREGORY: Okay.

6 JUDGE BROWN-GREEN: I'm not sure I get
7 it. So, you're saying that if the district court
8 judge is doing divorce work, which is typically
9 done by a circuit court judge, then that becomes
10 more of a need for the circuit judge positions or
11 the district court judges positions?

12 MR. GREGORY: District, but it subtracts
13 from circuit judges' work done.

14 JUDGE BROWN-GREEN: Okay.

15 MR. GREGORY: So, they're not getting
16 credit for what the district judge is doing.

17 JUDGE BROWN-GREEN: Okay, thanks.

18 DR. HOBSON: And, in 2016, I don't think
19 there was really a separation of that.

20 MR. GREGORY: Right.

21 DR. HOBSON: So, there was a lot of
22 discussion, which is why we did that. So,
23 everybody gets credit for what they're doing.

1 JUDGE BROWN-GREEN: Okay.

2 JUDGE NEWELL: Mike Newell. That's been
3 a real point of contention amongst district court
4 judges. Here we are, we're doing this work, but
5 yet it doesn't appear that we're getting any
6 credit for it. So, I'm glad that's being
7 corrected.

8 MR. GREGORY: Right. And, how many
9 circuit judges do you have?

10 JUDGE NEWELL: We have two.

11 MR. GREGORY: Two, okay. In three
12 counties, is that right?

13 JUDGE NEWELL: Two counties.

14 MR. GREGORY: Two counties. So, it
15 happens across the State. There's a lot of work
16 that the district judges are doing in the circuit
17 court and divorce cases are pretty popular and it
18 gets -- it goes further than that.

19 MS. McMILLAN: Most protection cases are
20 -- this is Cary McMillan. Most protection cases
21 are done by the district judge.

22 JUDGE NEWELL: This is something about
23 district court judges. It sounds like I'm making

1 a joke, but I'm not. It's where the rubber meets
2 the road. That's where the work is getting done
3 and I'm not throwing that out on circuit court,
4 but they get that out.

5 MR. GREGORY: All right, so that's a big
6 change for us. And, I think that's going to be
7 something that we can discuss in the future and
8 we're excited about how that's going to affect the
9 Studies in the future as well, a little more
10 accurate.

11 All right, the next thing. I think we
12 already talked about this, yes, we went over it in
13 the first sheet that I talked to you about, but
14 the referee changed from a 100% to 75% of the
15 judge, which was a pretty big deal. So, that
16 changed and, of course, one of ours, basically,
17 said we needed one more judge in the previous
18 Study, but we did the 2022 numbers.

19 All right, the next page is the Adequacy
20 of Time Study. This was real interesting. After
21 all the judges completed the Survey of keeping
22 track of their time on everything they did each
23 day. The Adequacy of the Time Study was sent out.

1 So, like I said, we had 84%
2 participation on the Actual Time Study, itself.
3 The Adequacy of Time Study, we had about right at
4 50%.

5 So, a little less, but we still got some
6 great information from it. We used it to
7 determine sufficiency of time available during
8 regular working hours to complete all the work
9 done.

10 It revealed that the circuit and
11 district judges, I believe they usually have more
12 than enough time to complete their daily tasks.
13 And, again, effectively, not rushing through it
14 and all that.

15 And, I do say most. "Usually," is
16 emphasized there. We don't always have enough.

17 All right. So, we used it as well to
18 determine the reasonableness of the case weights
19 since they were based solely on the work time
20 data. We kind of weighed this against that work
21 time data and came up with whether those case
22 weights they came up with were actually reasonable
23 or not and discussed it in our Committee.

1 We had, like I said, 51% of the circuit
2 judges, complete Adequacy of Time Study, 49% of
3 the district judges, which is 55 and 52.

4 And, another interesting thing here, of
5 the respondents, this is the number of years that
6 they've worked for the Alabama Judicial System.

7 So, less than one year, we had 12
8 responders and 1 to 3 years, we had 14. In 4 to 5
9 years, 21. In 6 to 10 years, we had 28. 11 to 15
10 years, we had 21 and then those over 16 years, we
11 had 11.

12 So, a pretty good diverse group of
13 people completed this Adequacy of Time Study. So,
14 we've got a good group of every type judge we have
15 out there. And, I thought those numbers were
16 interesting.

17 Any other questions you guys have about
18 the last time Study we did? These are the major
19 points from it. Again, we're excited about it.
20 We hope to use it in the near future. So, we've
21 -- hopefully soon.

22 DR. HOBSON: Michael, just as an
23 addendum --

1 MR. GREGORY: Yes.

2 DR. HOBSON: -- so, this definitely was
3 not overnight, okay. And, when we talked about it
4 two years ago and then we entered in the contract
5 for the National Center for State Courts a year-
6 and-a-half ago and multiple meetings, lots of
7 meetings and the National Center was sending
8 people from all over the nation over here.

9 And, that we had for our Committee, I
10 guess, it was 19 people or 19 judges who were a
11 part of that and multiple meetings, multiple Zoom
12 meetings. And, then for that, that four-week
13 period, for the active judges that's in here, you
14 already know because you were doing it. I mean,
15 you all were writing down every single thing you
16 did for four weeks.

17 And, so for the folks who are not judges
18 in here, I mean, it was a very time-consuming
19 Study. And, the National Center, they had a goal
20 of having that completed by the end of this
21 calendar year, okay.

22 But we knew that we had to meet before
23 the end of the year so we started pushing the NCSC

1 to complete the Final Report earlier than the end
2 of December. We ended up getting, I think, on the
3 4th or 5th of December, so that we could present
4 it to you today.

5 But, lots of work went into it and we
6 are thankful it's over.

7 MS. McMILLAN: Yes, so the Study is in
8 your folder. This is Cary McMillan and I did want
9 to point out that Chief Justice found, I'm sad to
10 say that I didn't find it, but he did. We found
11 an error on Page 6. And, the write-up is correct,
12 evidently, but I'm going to go back and triple
13 check that.

14 CHIEF JUSTICE PARKER: It is.

15 MS. McMILLAN: But, the figure is
16 incorrect because we have a 146 circuit judges and
17 we have a 106 district judges. So, and, of
18 course, that total is 255 or 252. 252 judges,
19 total.

20 So, anyways, actually, I've already
21 gotten this back this morning. I sent it to the
22 National Center and she already got it back to me,
23 but I had time to like glance at it, but I

1 thought, well, I really need to read through it
2 again just to make sure.

3 MR. GREGORY: Yes.

4 MS. McMILLAN: So, we will have a
5 corrected study, but I do want to point out that
6 that is incorrect and it has been corrected, but
7 if you don't have -- I mean, I got that like five
8 minutes before the meeting. So ...

9 CHIEF JUSTICE PARKER: Well, and let me
10 tell you that the judiciary is not a static
11 entity. COVID really forced us to make some
12 changes. We started Zoom hearings in order to
13 accommodate the restrictions on travel, but we
14 found out that that's something that we're going
15 to continue because it benefits the attorneys, it
16 keeps cost down for the litigant. The sheriffs
17 love it that we can actually have hearings in the
18 jail and they won't have to transport a defendant
19 to the court system.

20 So, there are changes that we were
21 forced to make that prove beneficial that will
22 continue. We are also making more and more
23 emphasis on the specialty courts, the drug courts,

1 the mental health courts, the veteran's court
2 because we are finding that that is really helping
3 keep the prison population down, but more
4 importantly, it's helping to restore lives.

5 And, for those who are not judges on the
6 Commission, what that means is the power of the
7 court is over these defendants. They are holding
8 the gavel up, but not crashing it down and
9 convicting them. They're holding it up while they
10 go through some kind of treatment.

11 And, the judges love this because it's
12 the most rewarding thing that they do. They're
13 not just slamming the gavel down and sending
14 people off to jail. They are using that uplifted
15 gavel to put pressure on those defendant's to face
16 the problems that led them to coming before the
17 court.

18 And, it's remarkable to see the restored
19 lives and the way that this works to keep the
20 prison population down. We're going to continue
21 emphasizing that.

22 Right now, the judges who are
23 participating in that are not paid extra, but

1 they're doing this on their own because it's so
2 valuable for the defendant and so personally
3 rewarding for the judges. And, that's something
4 we will continue to employ.

5 We are seeing new variations break out
6 as judges are innovating. We've even had a job's
7 court created in an area where judges use that
8 power over a defendant to require them to go out
9 and look for jobs and it's helping turn them into
10 meaningful contributors to society.

11 So, we will continue to do changes as we
12 move forward. And, so, what you, as Commission
13 members are seeing, you'll see the refinements
14 we're making year-by-year as we go forward on
15 this. And, for the status of this Report that
16 Micheal and Cary have shared with us, it is still
17 pending before the Supreme Court.

18 They have not formally approved it yet.
19 So, there's no vote required of this Commission at
20 this time because, really, the order of steps is
21 it has to be approved by the Supreme Court before
22 this Commission, then I'll put the stamp of
23 approval on it to recommend to the Legislature.

1 So, with that, that covers everything
2 that I'm aware of that we had on this end to
3 present to you. And, we wanted to know if there's
4 any new business to bring before this Commission.

5 Yes, Michelle.

6 JUDGE THOMASON: This is not new
7 business, but I just -- Michelle Thomason. I want
8 to make a comment, Chief, you were talking about
9 specialty courts and it's just really where my
10 heart is right now. And, it's something I want to
11 continue to do after I retire, if the Chief will
12 approve that next year.

13 But, I think it's really worth saying
14 and what we are trying to do as a Commission,
15 that, in year's past, the judiciary's role was to
16 manage cases. Get it to a guilty or a not guilty,
17 dispose of the case.

18 Nationally, that focus has shifted to
19 helping people, if we can, but that comes with a
20 price to the judiciary. It comes with a
21 significant price in resources.

22 When I first asked to start a veteran's
23 court in my county, my Presiding Judge told me no

1 because we didn't have the resources because I had
2 the largest district court docket in the State.

3 And, he recognized that adding that
4 because he ran the drug court, that I could not
5 physically manage that. I found a way to manage
6 that. And, I asked him, if I promised him, that I
7 could manage it, if he would let me try it. And,
8 he did, thank goodness and we've done fine with
9 it.

10 But, I want to, just as an example, and
11 as a district court judge and a DUI, it probably,
12 on a guilty plea, it probably takes me 15 minutes
13 to handle a DUI defendant.

14 In my veteran's court, I have a veteran
15 with a DUI. We staff that veteran everytime we
16 meet. We have -- the motivational interviewing
17 may suggest 10 minutes per person during your
18 treatment court.

19 We work on treatment options during the
20 week, e-mails, whatever. About an hour a month I
21 spend on each participant in my court for 18
22 months. That's 18 hours per defendant for the
23 course of that treatment compared to 15 minutes.

1 But, where that guilty plea in regular
2 court, when it leaves our hands, it would shift.
3 You've got sentencing, you've got the Correction
4 Center involved for holding. You've got DOC
5 involved for felonies.

6 You've got all of those resources there
7 that stay as focused as money in its timeline.
8 That's now shifting.

9 So, all of these folks, hopefully, in my
10 veteran's court, not only aren't in prison, now,
11 they never will be, again, in the future.

12 So, those resources, we just -- I would
13 like to make sure that everyone appreciates the
14 fact that while we have gotten new judges and we
15 desperately needed them, would -- there isn't --
16 it's not that just we're adding to our judiciary,
17 it's being -- there's a subtraction from somewhere
18 else.

19 And, when we talked to our legislators
20 and we talked to folks, I think it's important to
21 let them know that we are alleviating budget line
22 items and time and energy and resources from other
23 areas. And, then hopefully in the process, also,

1 in creating an environment where recentivism is
2 reduced significantly in all of our treatment work
3 programs.

4 I just think that's really worth
5 mentioning while you are mentioning specialty
6 courts because it is about our resources.

7 CHIEF JUSTICE PARKER: Well, let me say
8 that these courts grew up on an ad hoc basis
9 across the State as local judges heard what was
10 being done in other jurisdictions outside of
11 Alabama and started to implement similar programs.

12 Dr. Hobson and I went before a special
13 commission, maybe, two or three weeks ago.

14 DR. HOBSON: Yes.

15 CHIEF JUSTICE PARKER: The Legislature
16 formed one on how to distribute the Opiod
17 settlement money.

18 And, we made a request to increase the
19 number of specialty courts. This is more than
20 just a judge, they have to have cooperation from
21 some of the other agencies. They have to have the
22 drug testing equipment.

23 There's a lot involved in this, but I

1 will tell you from the Legislature, we've only
2 been receiving, what is it, 2 million dollars?

3 DR. HOBSON: It's 2 million since 2009.

4 CHIEF JUSTICE PARKER: And, how many --

5 DR. HOBSON: It can be about \$30,000.00
6 at a whack and y'all get it.

7 JUDGE THOMASON: We need every penny of
8 it.

9 CHIEF JUSTICE PARKER: So, it's a
10 pedance and we have to go after grants to
11 supplement that. And, so, hopefully, the Opiod
12 money will help us get these type programs on a
13 firmer foundation and a more unified approach to
14 it.

15 Now, Rich, do you recall what the figure
16 was, we were showing for savings for prisons?

17 DR. HOBSON: Oh, sure, it was -- I think
18 over \$6,000,000.00. It was an incredible amount
19 of money versus what we were asking for.

20 CHIEF JUSTICE PARKER: Yes.

21 DR. HOBSON: Yes. I mean, you're doing
22 it right now and just to piggy-back on whoever I'm
23 piggy-backing on. Judge Thomason, your Baldwin

1 County story is a great story because the things
2 that the Commission just voted on, it's one of the
3 busiest circuits in the State and, yet, you take
4 that on extra.

5 I know Judge Scott Taylor, he's the drug
6 court judge and the mental health court judge and
7 he takes that on.

8 JUDGE THOMASON: Right.

9 DR. HOBSON: He was the Presiding
10 Circuit Court Judge and he certainly didn't have
11 time, but he did. And, he held, I think he holds
12 court four times a month.

13 JUDGE THOMASON: Right.

14 DR. HOBSON: So, thank you very much for
15 caring and for doing that.

16 JUDGE NEWELL: And, Chief, Mike Newell,
17 I just want to say, as former President of the
18 District Judge's Association, just, it points out
19 that people -- the judges in the State are truly a
20 caring bunch because these were not obligatory
21 duties. They were duties that they took on
22 because they love and care about their
23 communities.

1 I think we have an excellent judiciary
2 and when I went to the Baby Judge's School many
3 years ago, but just to get out there and realize
4 that there's this propaganda out there that by
5 virtue of living in the State of Alabama, you're
6 lambasting about everything and, except football,
7 Roll Tide. I just had to throw that in there for
8 Rich.

9 (Laughter around the table.)

10 JUDGE NEWELL: But, when we are out
11 there, we realize where Alabama leads in so many
12 areas. And, community and public service is an
13 area where Alabama's judges lead, also, and it's
14 worth pointing out. Thank you all for doing that.

15 JUDGE THOMASON: We will celebrate our
16 10th anniversary of our veteran's court in
17 February. It's been a long time.

18 CHIEF JUSTICE PARKER: So, this is one
19 of the points that I made earlier, that we are
20 evolving in the services that we provide. And,
21 you've even heard discussion from Cary and Mike
22 about having to put new emphasis on different type
23 cases that are appearing more frequently, now.

1 This has really just been a chance to
2 share with you, to educate you as we move forward
3 year by year with this commission trying to keep
4 on top of the changing needs in the court system,
5 the changing structure of the court system.

6 And, I want to kind of give you a shout
7 out. We went through a difficult meeting the last
8 time as we were facing the really first time to
9 reallocate a judgeship need.

10 And, I have to commend Senator
11 Smitherman, he attended here, that meeting and he
12 had very passionate feelings about it, but he went
13 back and turned it into something positive. He
14 was the one who pushed the Senate to adopt all the
15 judgeships that we had recommended in exchange for
16 getting a little further delay in any future
17 reallocation.

18 DR. HOBSON: Yes.

19 CHIEF JUSTICE PARKER: But, what we went
20 through in the last meeting produced fruit that we
21 will see benefit the State for some time, now.
22 So, thank you for your role in that.

23 And, is there any further new business

1 to discuss? Well, let me say this, we do have
2 lunch that's coming in. Does anybody know at what
3 time?

4 DR. HOBSON: It is on its way. I'll
5 tell you what, Chief Justice, before we get out of
6 here, Cary has written down the 2022 numbers that
7 we've adopted before with the judgeships that it
8 entails.

9 MS. McMILLAN: Yes. So, the judgeships
10 have been added and what we did was we went
11 through and looked at the legislation to make sure
12 and to show what the need was with the changes
13 that we just agreed on or that y'all just agreed
14 on. And, so I wanted everybody to see that.

15 DR. HOBSON: Because we'll be using a
16 synopsis of this when we send the letter to the
17 Legislature.

18 CHIEF JUSTICE PARKER: And, Senator
19 Smitherman put a copy of that letter on the desk
20 of every Senator and pushed that. I'm very
21 thankful for the way he responded to that last
22 meeting.

23 JUDGE BROWN-GREEN: Well, Chief, we're

1 all very grateful. I know we're all sitting
2 around this table are very grateful for that, but
3 as you recall in that very uncomfortable meeting
4 and it was my first meeting, one of the things
5 that I mentioned in my arguments was that you
6 began the process of getting that ball rolling by
7 the letter that you did that you sent to the
8 Governor and I'm sure you recall that where you
9 outlined what was needed for the entire State.

10 And, so we're all very grateful to you
11 by having a global view of what we need in all
12 Circuits. And, although, my Circuit fell a little
13 short there, but you had a vision for what was
14 needed across the State. And, so, you gave me
15 information to use.

16 And, what I had to say on behalf of
17 Jefferson County, but ultimately, the entire State
18 benefitted. So, we applaud you for that and we
19 appreciate your innovative approach and just a
20 global view of what we need throughout the State.

21 CHIEF JUSTICE PARKER: Well, my job as
22 Chief Justice is to be over the entire Judicial
23 Branch of Government. And, so, I see the global

1 needs there. And, I am so thankful that Senator
2 Smitherman responded the way he did because he got
3 us the first new judgeships since 2008.

4 JUDGE BROWN-GREEN: Yes.

5 CHIEF JUSTICE PARKER: That's a
6 tremendous accomplishment.

7 JUDGE BROWN-GREEN: Yes, it is.

8 CHIEF JUSTICE PARKER: And, as growth is
9 occurring around the State in an unequal balance,
10 there are local needs that have been unmet for a
11 long time.

12 And, so, we've been able to put in place
13 something that will start to fill those needs in
14 '24 and then '26.

15 JUDGE NEWELL: Chief, I think one of the
16 things that getting a new judgeship proves is that
17 the answer to filling the judicial needs in the
18 State is not and will not ever be reallocation.
19 It moves entirely too slow.

20 I know why the Legislature did it, but
21 it is a cost-saving measure when the Legislature,
22 the very people that impose this additional work
23 and those kinds of things. But, I too, want to

1 commend Senator Smitherman for the new additional
2 judgeships.

3 That's the only way we're going to keep
4 pace. The way the law is written and all of the
5 criticism and I was one of the most vocal critics
6 and I'm still a critic of reallocation, but the
7 law is the law and we're judges of the law and
8 we're obligated, but it's good to see now that the
9 Legislature has taken that first step and they
10 realize the importance yet, again, of these new
11 judgeships. And, hopefully, they won't forget
12 about us in the future as they have in the past.

13 JUDGE BROWN-GREEN: I think as we
14 educated Senator Smitherman on the needs, I think
15 that we all need to make sure that we educate our
16 other legislators because the need is going to
17 come up again for more judges across the State.
18 And, Senator Smitherman is an attorney and is very
19 passionate and we're grateful for what he did and
20 the risk that he took to do that. We're eternally
21 grateful, but I think we all have to educate our
22 other legislators as well.

23 CHIEF JUSTICE PARKER: Well, seeing

1 nothing further, I want to declare that we are
2 adjourned. Lunch will be served and in the
3 interim, I'd like to invite anybody who would like
4 to come up to my chambers and let me show you some
5 priceless historical artifacts.

6 So, we now are adjourned.

7

8 (Whereupon, the meeting of the Alabama
9 Judicial Resources Allocation Commission was
10 concluded at approximately 10:55 a.m.)

CERTIFICATE OF REPORTER

COUNTY OF MONTGOMERY)
 STATE OF ALABAMA)

I, Beverly G. Slack, a fully trained and certified, licensed and bonded court reporter, do hereby certify that I transcribed the statements in the foregoing meeting, that I, by computer-aided transcription, transcribed the statements and that the foregoing contains a true and accurate transcription of all portions of said statements on the dates herein indicated.

I certify that I am not related by either blood or marriage to any of the Commission members or other persons who were present in the meeting, that I have not acted as counsel to or for any of the Commission members or other persons who were present in the meeting, or am I otherwise interested in the outcome of the meeting.

I further certify that I have maintained the confidentiality of this process by not disclosing any information concerning this matter to any person under penalty of law; that I have prepared the transcript with the input and assistance from some of the Commission members and other persons who attended the meeting providing statements.

/s/ BEVERLY G. SLACK
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 Court Reporter, Notary Public,
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 Date transcript certified:
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