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BEFORE THE STATE OF ALABAMA
JUDICIAL RESOURCES ALLOCATION COMMISSION
HEFLIN-TORBERT JUDICIAL BUILDING
WEDNESDAY, DECEMBER 15TH, 2021
11:00 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., Wednesday, December 15th, 2021.

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APPEARANCES :

COMMISSION MEMBERS :

CHIEF JUSTICE TOM PARKER, CHAIR

HON. ZACK COLLINS

HON. BUTCH BINFORD

HON. MICHELLE THOMASON

MR. CLAYTON CRENSHAW

HON. MICHAEL NEWELL

MS. REBEKAH MCKINNEY

MR. WILL PARKER

HON. CHRIS HUGHES

HON. JAMES REID

MS. STEPHANIE HUNTER

ALSO PRESENT :

DR. RICH HOBSON

MS. CARY MCMILLAN

MR. MICHAEL GREGORY

MR. TODD RUSSELL

MR. BOB MADDOX

MR. BEN DUPRÉ

1 OTHERS PRESENT:

2 HON. PATRICIA STEPHENS-MOSS

3 REV. IRA MOSS

4 HON. KECHIA DAVIS

5 HON. KATRINA ROSS

6 HON. ALARIC MAY

7 HON. ELISABETH FRENCH

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1 CHIEF JUSTICE PARKER: Welcome. I
2 want to thank you for your service. This
3 is something that the Legislature has
4 established, and it's very important to
5 them, and it's very important to the
6 Judiciary. Thank you for being here, for
7 your diligence in this, this morning.

8 And we want to open with the
9 pledge and prayer. And I am going to
10 call on Dr. Rich Hobson to lead us in
11 that, please.

12 DR. HOBSON: All right. Let's
13 rise. We have got a flag in here. Pledge
14 allegiance to our Flag. Please join with
15 me.

16 (Pledge)

17 DR. HOBSON: While we are
18 standing, please join me in prayer.

19 (Prayer).

20 DR. HOBSON: Chief Justice Parker,
21 if I could piggyback on that. I just want
22 to say one thing. I heard from Judge
23 Clyde Jones this morning. He was on 459.

1 He had been there for an hour. Good for
2 everybody else from Jefferson County has
3 been able to make it. But, anyway, he is
4 not going to make it. He was still stuck
5 in traffic.

6 CHIEF JUSTICE PARKER: Well, I see
7 Clyde is not here, and James Reid, from
8 Baldwin County, is not here at this point.
9 But we do have some new members.
10 Stephanie Hunter. Stephanie, would you
11 raise your hand so everybody can see you.
12 She is from the Hunter Law Firm in
13 Bessemer. And Chris Hughes is taking over
14 for Jake there in Lee County.

15 So, we are glad to have all of
16 you on board now. And let's introduce
17 ourselves so that those new ones know
18 who they are.

19 I am Chief Justice Tom Parker.
20 I am Chairman of the Commission.

21 DR. HOBSON: I'm Rich Hobson, the
22 Administrative Director of Courts.

23 MR. RUSSELL: Todd Russell,

1 Director of the Legal Division, AOC.

2 MR. MADDOX: Bob Maddox, Staff
3 Attorney, AOC.

4 HON. COLLINS: Zack Collins,
5 District Judge, Russell County.

6 HON. BINFORD: Butch Binford,
7 Circuit Judge, Dothan.

8 MR. DUPRE: Ben Dupré, Chief of
9 Staff for Chief Justice Parker.

10 HON. THOMASON: Michelle Thomason,
11 District Judge, Baldwin County.

12 MR. CRENSHAW: Clay Crenshaw in
13 the Attorney General's Office. And I
14 represent Steve Marshall.

15 HON. NEWELL: And I'm Mike Newell,
16 District Judge in Winston County.

17 MS. MCKINNEY: Rebekah McKinney,
18 Huntsville, and I represent the Alabama
19 State Bar.

20 MR. PARKER: I'm Will Parker in
21 Governor Ivey's legal office.

22 HON. HUGHES: Again, I am Chris
23 Hughes. I am Circuit judge over in Lee

1 County.

2 MS. HUNTER: Again, Stephanie
3 Hunter. I represent the Alabama Lawyers
4 Association.

5 MR. GREGORY: Michael Gregory with
6 the Administrative Office of Courts. I am
7 the project manager.

8 MS. McMILLAN: Cary McMillan,
9 Director of Family Court at the
10 Administrative Office of Courts.

11 CHIEF JUSTICE PARKER: Now, I need
12 to tell you that several of the people at
13 the table are support staff. There are 12
14 members of the Commission. Ten are here.
15 So, we do have a quorum. We are open for
16 business.

17 We have a Court Reporter, Jeana
18 Boggs, here. And so, if you speak, she
19 might not be able to read your name tag
20 because of the positions of some of
21 them, so state your name before you say
22 anything so that the Court Reporter can
23 get it.

1 Our job today is to really
2 determine what statistics we are going
3 to use, what's going to be the basis for
4 calculating how many judgeships are
5 needed for our recommendation to the
6 Legislature at this time.

7 And so, Cary, you have got --
8 Cary McMillan is one of our
9 statisticians at the Administrative
10 Office of Courts, and she and Michael
11 Gregory have been working on the figures
12 that we have.

13 So, Cary, I am going to turn it
14 over to you.

15 MS. McMILLAN: Thank you, Chief
16 Justice Parker.

17 I want to start with -- Michael
18 is going to hand out the 2019 fiscal
19 numbers, or the numbers for the weighted
20 caseload.

21 MR. GREGORY: Take one and pass it
22 around.

23 MS. McMILLAN: Thank you. So,

1 while that is being passed around, I just
2 want to give a little bit of history for
3 this. So, actually the courts have been
4 using the Judicial Resources, or judicial
5 weighted caseload, since 1986. And these
6 are recommendations from the National
7 Center for State Courts. So, many states
8 use the weighted caseload.

9 The difference between just
10 cases and the weighted caseload is you
11 can't count cases the same. A traffic
12 case takes much less time than a capital
13 murder case.

14 So, we developed case types, and
15 we did this with a group of judges.
16 It's been -- We have had time studies
17 that we have done in the past. And this
18 time because we have done a time study
19 in 2007, we did an -- actually an expert
20 group called the Delphi Group in 2016.

21 So, we just brought in judges
22 for each case type that was determined
23 that we wanted to develop. And all of

1 those case types we came up with how
2 many minutes it takes a judge to handle
3 that case.

4 So, I wanted to -- I did want to
5 go ahead and tell you what all the
6 different case types are for the people
7 that have not heard this presentation
8 year after year.

9 HON. THOMASON: Cary, can I
10 interrupt for a moment?

11 MS. McMILLAN: Sure.

12 HON. THOMASON: This is Michelle
13 Thomason. I just got a message from Judge
14 Reid. He had trouble parking, but he is
15 on his way.

16 CHIEF JUSTICE PARKER: Oh, good.

17 HON. THOMASON: I didn't know if
18 you wanted to continue or if you needed
19 him if you wanted to just --

20 CHIEF JUSTICE PARKER: Jim has
21 served on this --

22 HON. THOMASON: History, right?

23 CHIEF JUSTICE PARKER: Yeah, he

1 knows it.

2 DR. HOBSON: He can do this for
3 us.

4 HON. THOMASON: He just sent me
5 that text.

6 MS. McMILLAN: He may have been on
7 the original weighed caseload committee.

8 HON. THOMASON: I think it was
9 originally his idea.

10 MS. McMILLAN: So, I think he may
11 remember this.

12 So, our case types are in their
13 circuit or district appropriately. So,
14 capital crimes and then in circuit, we
15 break out the other felonies to personal
16 felonies, property felonies, drug
17 felonies, and other felonies.

18 In district, we just do Class A
19 felonies, because most of those are
20 going to be -- well, they are pretty
21 much all going to be bound over to the
22 grand jury.

23 Then we have misdemeanors, lower

1 court of appeals. Then in traffic, we
2 have -- that's split between DUI and
3 other traffic cases. And civil for
4 circuit, we have civil tort, civil
5 other, contracts, Workmen's Comp, and
6 then we have domestic relations. We
7 have protection from abuse cases. We
8 have contested and uncontested domestic
9 relations.

10 Then in breaking it back down to
11 district, we have district civil and
12 smalls claims and unlawful detainers.

13 Then juvenile and child support
14 has -- can be in circuit or district,
15 and so that could mean be either one.
16 We base that on who the presiding
17 juvenile court judge is. If it's a
18 circuit judge, we call it circuit. If
19 it's a district judge, we call it
20 district.

21 So, we have juvenile delinquency
22 and other cases which will be civil
23 matters in juvenile court, juvenile

1 dependency, termination of parental
2 rights, and then we have child support
3 and child support paternity.

4 So, those are all the different
5 case types. Just to kind of let you
6 know what they are to know how we broke
7 those out.

8 So, now I'm going to go over
9 the --

10 HON. NEWELL: Cary, can I ask a
11 question real quick. This is Mike Newell
12 from Winston County.

13 For the district judges in the
14 state who hear divorce cases by
15 assignment or special administrative
16 order, is that denoted or are the
17 circuit judges -- is that showing up in
18 their weighted caseload study?

19 MS. McMILLAN: Okay. I am so glad
20 you asked. That is actually going to be
21 answered on the study itself.

22 HON NEWELL: Thank you.

23 MS. McMILLAN: And it is counted

1 in circuit, but we have a column in our
2 circuit that district court judges
3 assigned to circuit. And so, anyway, I'll
4 talk about that in a minute.

5 HON NEWELL: Okay.

6 MS. McMILLAN: Love that question.

7 Okay. So, we have -- I am
8 looking at the -- let's take circuit.
9 Well, okay. Nevermind. District is
10 first, so we will start with that.

11 Of course, we have the county
12 number and the county. Then the
13 workload minutes, what that is, is
14 taking those different case types and
15 multiplying -- in criminal we use
16 charges or counts. So, every count is
17 counted in criminal. So, that does not
18 go back and match our annual report
19 which every other case type does. But
20 we don't count counts in our annual
21 report. So, we just count cases.

22 So, each count -- So, if it's
23 capital murder, and it's three counts,

1 then that's going to be three. And if
2 it's one count, it's going to be one.
3 So that some counties use multi-count
4 indictments. Some just use single count
5 indictments, and that way everybody is
6 on a level playing field for criminal.

7 Then for all other case types,
8 it's just each case. So, just count it
9 as one because you can't have multiples.

10 So, you take the case type, the
11 number of charges or cases, multiply
12 that by the number of minutes designated
13 for that case type to come up with these
14 workload minutes.

15 MS. HUNTER: Repeat that.

16 MS. McMILLAN: Okay. I know.

17 It's a big concept.

18 So, you take for criminal
19 charges and you take for civil and
20 juvenile and traffic, all of those other
21 case types, then those are all case
22 number of cases.

23 So, it's counts or cases,

1 multiplied by -- and this really --
2 well, where did I do it? I can show
3 y'all because y'all have not seen this
4 before, but it is just -- it's the
5 different case types with the weight
6 depending on if it's circuit or
7 district.

8 MS. HUNTER: Okay.

9 MS. McMILLAN: So, you multiply
10 those -- the counts or cases times the
11 case type weight is what we call it, and
12 that gives you your workload minutes. The
13 weight is minutes.

14 So, for instance, for capital
15 crimes, the minutes are 2,254. And
16 for -- I'll go down and pick one of
17 the -- I mean, on traffic, it's four
18 minutes, because some traffic cases are
19 going to take a long time, and most of
20 them are just going to settle. You
21 know, people are just going to get
22 online and pay them.

23 So, we try to determine -- you

1 know, so, you take the extreme and you
2 take the lesser time, and we try to come
3 up with a median time of how long it
4 would take for each case type.

5 MS. HUNTER: Okay. Thank you.

6 MS. McMILLAN: You are welcome.

7 All right. So, that's our
8 workload in minutes. Then our judge
9 year value was actually determined by
10 taking the number of days in a year.
11 That's a good start. And then
12 subtracting weekends, leave time,
13 judicial conferences, all of those
14 things to determine the number of days a
15 judge has to work, which was determined
16 to be 215. Then taking that time, it
17 was how many hours in a day does a judge
18 work on cases because, you know, there's
19 some administration work too being a
20 judge, not just working on cases.

21 So, for district judges, it was
22 determined that they had one hour of
23 administrative type things, and seven

1 hours they are working on case-related
2 business.

3 And when we get over to circuit,
4 there is a difference. And in
5 multi-county circuits, we determined
6 that their time to do administrative and
7 travel is an hour-and-a-half. So, they
8 are 1.5 -- So, their workday is really
9 6.5 because they actually have to drive
10 from -- they have to drive the circuit.

11 All right. So, we take our
12 judge year values. So, obviously we,
13 you know, divide our judge year value
14 into the workload minutes.

15 So, going to the next column, it
16 is overall judicial officer needs. So,
17 this is how many judges are needed to
18 take care of the actual workload for a
19 particular year.

20 Then -- and I will say this:
21 Minutes and workload is all done on
22 filings because that's what's coming
23 into the court. It's not based on

1 dispositions, just filings.

2 Then, we have -- The next column
3 is Judge Newell's column, and it is the
4 district judges assigned to circuit
5 court. So, in for -- for this -- So,
6 these numbers are added to the actual
7 number of judges to determine when we
8 come down toward the end.

9 So, circuit, they are added --
10 well, I am sorry. We are on the
11 district sheet. They are subtracted
12 from district, and they are added on the
13 circuit so that there is that balance
14 because they have -- they need to match.

15 So, you add in district court
16 because -- no. You add in circuit court
17 and you subtract in district court
18 because they are not doing district work
19 for that -- like for the domestic
20 relations, they are doing circuit work
21 for domestic relations.

22 And we have polled all of the
23 presiding judges in the past to

1 determine what that is for each county.
2 And Michael is going to be really
3 excited to do that again this year to
4 re-poll all the circuit judges, the
5 presiding circuit judges.

6 And then we have referees. And
7 some referees are in district court, and
8 some referees are in are circuit court.
9 So, that's why you will see referees on
10 both. Referees are child support and
11 judicial in certain counties.

12 (Hon. Reid entered meeting).

13 MS. McMILLAN: Then we have the
14 district judge implied need. So, we take
15 that overall judicial need, subtract the
16 judges doing work in circuit court --
17 wait. That's not working out for me.

18 Okay. The overall need -- it is
19 addition. It's adding. So, the
20 district judges doing work in circuit
21 court to come up with the district judge
22 implied needs. So, then you come up
23 with actual number of district judges,

1 and then it tells you the difference. A
2 plus is a surplus, and a minus is a
3 deficit.

4 So, negative numbers means you
5 need more judges, and positive numbers
6 means that there are more judges there
7 than potentially what you may need. I
8 am not going to say than what you need.

9 CHIEF JUSTICE PARKER: Can I
10 interrupt a moment?

11 MS. McMILLAN: Yes.

12 CHIEF JUSTICE PARKER: Let the
13 record reflect that Judge Jim Reid, from
14 Baldwin County, has arrived. So, we now
15 have only one person who hasn't made it
16 here on time.

17 HON. REID: With my apologies,
18 Chief.

19 CHIEF JUSTICE PARKER: Glad you
20 are here. Cary.

21 MS. McMILLAN: So, the only
22 difference between the District Court
23 Judicial Weighted Caseload Summary and the

1 Circuit Court Judicial Weighted Caseload
2 Summary, and if you turn the pages is the
3 regions. Multiple means multicounty
4 circuit. Single means single county
5 circuit. So, the judge year value for the
6 multicounty circuit is lower because of
7 the travel time. So, they don't have as
8 many hours to work on cases as district --
9 as circuit judges that are in a single
10 county, a single county circuit.

11 CHIEF JUSTICE PARKER: Let me
12 remind everybody that we -- for 2020, we
13 did not adopt those figures because they
14 were corrupted by the coronavirus
15 shutdown. So, we continued to use the
16 2019 figures. Those are the figures that
17 you have before you. We have had the same
18 problem in 2021 with continued shutdowns.

19 So, again, we face corrupted
20 figures. We have some circuits that
21 continued working. Others that shut
22 down because of local conditions so that
23 that would create a great imbalance

1 showing some circuits didn't need all
2 the judges they had. Others needed
3 more.

4 And so, 2019 are the last full
5 year of operation that we have that was
6 not interrupted by coronavirus.

7 Let me just open the floor for
8 discussion on the explanation that Cary
9 gave and any input that anybody wants to
10 make on what figures we should adopt.

11 DR. HOBSON: And Chief Justice
12 Parker, just for Stephanie's benefit, so,
13 in our summer meeting, this board voted to
14 accept the 2019 numbers.

15 MS. HUNTER: Okay. Thank you.

16 HON. HUGHES: Does this include
17 questions about -- is this the point of
18 which to discuss comments or questions
19 about the manner in which people are
20 ranked or circuits are ranked?

21 CHIEF JUSTICE PARKER: Circuits
22 are ranked?

23 HON. HUGHES: Yes.

1 MS. McMILLAN: Yes.

2 CHIEF JUSTICE PARKER: Cary?

3 MS. McMILLAN: Yes. So, they are
4 ranked from -- so, remember, a negative
5 means that they need -- like, if we look
6 at Blount County at the bottom, they need
7 .4 judges, and so they are ranked 14. So,
8 if you have a number that is higher, like,
9 that's a full -- that's not a negative
10 number, then they are going to be at the
11 bottom of the list --

12 HON. HUGHES: I guess --

13 MS. McMILLAN: -- of the ranking.

14 HON. HUGHES: And I should not be
15 speaking like this. This is my first
16 meeting. I should just shut up.

17 MS. McMILLAN: No. You can ask
18 me.

19 HON. HUGHES: And I'm Chris Hughes
20 from Lee County.

21 But in terms of how they are
22 ranked, is it better as it appears to
23 be -- and you may tell me I'm wrong --

1 based upon the absolute surplus or
2 deficiency as opposed to taking into
3 account the number of judges? In other
4 words, I am looking here at Fayette,
5 Lamar and Pickens County; they need 1.79
6 judges and have one. So, apparently
7 that means that one judge is doing the
8 work of almost three judges, and they
9 are ranked seventh.

10 And then Tuscaloosa is ranked --
11 they need 1.8 judges, but that's shared
12 between six judges. So, those judges
13 are doing about, I don't know, what,
14 1.25 judges work, and they are ranked
15 ahead of the lady or man in Fayette,
16 Lamar and Pickens County who -- am I
17 reading that correctly?

18 MS. McMILLAN: You are. And that
19 is actually something that we have on the
20 second sheet that we are going to give
21 you, and it's a rank per judge.

22 HON. HUGHES: Okay.

23 MS. McMILLAN: And it's a workload

1 per judge for -- actually just for the top
2 ten in need. And I am glad that you
3 mentioned Fayette, Lamar and Pickens.
4 They actually had, like, four murders in
5 FY-19. And so, that was kind of an
6 anomaly. They don't normally have four
7 murders, but that's what made their
8 numbers go up high.

9 HON. HUGHES: And I was just using
10 that as a for instance.

11 MS. McMILLAN: But that's a great
12 one to pick out.

13 DR. HOBSON: Hey, Cary, I think it
14 was more like 40. It's wasn't four,
15 right?

16 HON. NEWELL: Forty-four.

17 MS. McMILLAN: Oh, it was 44?

18 DR. HOBSON: 44, yeah. It was 44
19 murders.

20 MS. McMILLAN: And it was, like,
21 what, three guys and they --

22 HON. NEWELL: Multiple counts.

23 MS. McMILLAN: -- multiple chart

1 counts.

2 DR. HOBSON: Right. So, that is
3 an outlier and that is taken into
4 consideration. It's an ultimate
5 determination. So, you were smart in
6 looking at those numbers for Fayette,
7 Lamar and Pickens. There's a greater
8 explanation for that.

9 MS. McMILLAN: Yeah. And when we
10 do see those jumps like that, we try to
11 research it so we can explain why that has
12 happened.

13 HON. COLLINS: Chief, can I --
14 This is Judge Collins.

15 CHIEF JUSTICE PARKER: Yes, Zack.

16 HON. COLLINS: I hope this is open
17 for discussion.

18 As it relates to reallocation,
19 the excess that we need three years of
20 data. Right? So, we had 2018, 2019.
21 We didn't count 2020; we just continued
22 it.

23 It's my thought in looking at

1 this statute and what I would presume
2 the legislative intent of it is that we
3 have three separate years of data before
4 we could even look at some type of
5 reallocation.

6 But by continuing the numbers
7 from 2019 into 2020, are we saying that
8 we are counting 2019 twice to go towards
9 reallocation, or is it 2018, 2019 and
10 then, when we get a full year of good
11 data, that's when we will look at
12 reallocation because we don't have -- it
13 doesn't say it has to be consecutive
14 years. It just says it has to be three
15 years of data.

16 MR. RUSSELL: I can address this.
17 This is Todd Russell with AOC.

18 We have three years, in 2017,
19 2018 and 2019. And so, after that point
20 in time, then you are free to look at
21 whatever the next year might be. We
22 passed that three-year threshold. And
23 at this point, I don't believe there's

1 any actual reallocation of any vacancy
2 in front of us today. This is simply
3 our recommendation about, do we have too
4 many judges or do we have too few judges
5 around the state.

6 HON. COLLINS: Well, I may be
7 getting ahead, but I am just looking at
8 it. But when I look at section five, it
9 says, not later than January the 1st,
10 2018, the Supreme Court shall revise the
11 factors.

12 And then it goes on and says in
13 Subsection B: No judgeship shall be
14 reallocated until three years of data is
15 available after the revision.

16 So, I read that to mean we don't
17 count 2017. We count 2018, 2019 and
18 then whatever else. To me, that's what
19 I see. So, am I wrong on that?

20 MR. RUSSELL: I can go back to the
21 transcripts. So, that's what we might
22 want to do ultimately before we have any
23 reallocation ever take place. But it's my

1 understanding is this group voted to
2 utilize 2017, 2018 and 2019 previously at
3 an earlier meeting.

4 HON. COLLINS: Okay. Well, if we
5 did that -- and I am presuming and I was a
6 part of that, as well.

7 MR. RUSSELL: Yes, sir. Yes, sir.

8 HON. COLLINS: But, again, when
9 looking at the actual plain reading of the
10 statute, you know, my concern is if we
11 just continue 2019, it's not an accurate
12 reflection of the real numbers.

13 And then from what Chief says,
14 well, 2021 was not a good year, as well,
15 and we probably won't count that, then
16 when are the next set of numbers we can
17 look at if and when we come to the point
18 of reallocation? And that's just a
19 question I'm putting out there for us to
20 consider because we don't want to be
21 factoring in data that really we
22 shouldn't be using. I am just putting
23 that out there. Do you know what I

1 mean?

2 MR. RUSSELL: Yes, sir.

3 HON. COLLINS: All right. Does
4 anybody else have any thoughts on that?
5 That's what I'm thinking.

6 MS. MCKINNEY: I am Rebekah
7 McKinney.

8 My recollection was, we voted to
9 use '17 and '18 and '19 at that summer
10 meeting.

11 DR. HOBSON: That's correct.

12 MS. MCKINNEY: We had an agreement
13 on it, and that was going to be applied to
14 the next opening that came forth.

15 DR. HOBSON: That is correct. So,
16 it wouldn't be unfair to anyplace in the
17 state.

18 MR. RUSSELL: And I believe back
19 to that original language that the group
20 had until that date, certainly in 2018
21 come up with the standards, but they
22 actually adopted those standards prior to
23 that time. And so, by the time fiscal

1 year 2017 came out, the group was able to
2 meet and adopt those.

3 HON. COLLINS: I mean, you know, I
4 can't dispute that, but I am just saying
5 there's a possibility that, you know, we
6 adopted numbers that we shouldn't have.
7 That's what I am saying.

8 And so, if it comes down to what
9 numbers do we actually need to
10 calculate, you know, we could be looking
11 at, you know, some type of action behind
12 that. I am just saying that's something
13 that needs to be thought about. You
14 know what I mean? Because the statute
15 is plain and clear, and, you know, we
16 are all judges. Most of us are judges
17 and lawyers, and we could have gotten it
18 wrong. Do you know what I mean?

19 I'm just putting it out there
20 for us to think about. Because when I
21 was rereading the statute, what came to
22 my mind is that if we don't have good
23 data in 2020 and we don't have good data

1 in 2021, we might not have good data in
2 2022. When can we look at good numbers
3 to even consider reallocation. At the
4 same time, there's still counties that
5 need seats to be filled. And if we go
6 down this road and we count number and
7 we get bogged down into, there's still
8 counties -- Mobile, Huntsville -- that
9 needs those seats. We should be trying
10 to get the Legislature, as I think Chief
11 is doing already, to put money to where
12 those seats are needed.

13 Because the other thing is is,
14 let's say we reallocate a seat and then
15 we get back to normal, and the numbers
16 get flipped around in a county where the
17 seat was taken from now really needs
18 that seat. I mean, it just becomes
19 really confusing. I just think it's
20 something that we really need to look
21 at. I am just putting it out there.
22 So...

23 CHIEF JUSTICE PARKER: Judge, let

1 me be very specific.

2 HON. COLLINS: Yes, sir.

3 CHIEF JUSTICE PARKER: I have
4 spoken in generalities up until now. But
5 our 2019 figures show a certain excess in
6 Jefferson County. If we were to use the
7 corrupted numbers for 2020, it would show
8 a greater excess in Jefferson County. And
9 that's because they were harder hit by
10 coronavirus and were shut down longer than
11 other counties.

12 So, it would be greatly unjust
13 to use the 2020 figures because it would
14 be more punitive to certain counties
15 that had a harder impact of coronavirus.
16 So, that's why we have continued using
17 the 2019, and we encountered the same
18 type problems in 2021.

19 HON. COLLINS: Yes, sir. And the
20 only thing I am saying is is, I have no
21 problem with, you know, I guess following
22 what the statute says. And if it
23 ultimately says we have to -- If we make a

1 recommendation to reallocate a seat,
2 that's not the issue that I am raising. I
3 am raising an issue on, are we actually
4 using the right data, the right years.

5 And even though we agree to
6 adopt 2017, again, you know, if we got
7 that wrong, and I am not saying we did.
8 But if we got that wrong or something,
9 we need to correct, because it could
10 cause problems down the road.

11 So, that's all I am saying. You
12 know, I am willing to follow obviously
13 whatever the law says, but that's why I
14 am looking at it, and that's why I
15 raised it.

16 CHIEF JUSTICE PARKER: Judge Reid
17 had his hand raised.

18 HON. REID: If the objection is
19 using 2017, why not go ahead and use '20,
20 go ahead and use '21, even if it does work
21 a hardship on one's circuit.

22 The numbers are so -- are so
23 weighted one way, it's not going to make

1 any difference.

2 For instance, Jefferson County
3 is -- I believe if I looked at the
4 numbers right, they are eight judges
5 over. So, if you used numbers that were
6 a little out of order, it is not going
7 to make any difference if you -- if you
8 transferred or allocated one judge.
9 They are still going to be seven over.
10 So, it doesn't make any difference if
11 you do that.

12 CHIEF JUSTICE PARKER: Well, I
13 think what Judge Reid is referring to is
14 that we can only reallocate one judgeship
15 every two years.

16 HON. REID: So, use -- go ahead
17 and use the 2020 and use the 2021. They
18 may be a little off because of COVID, but
19 it is not going to change the overall
20 outcome of allocation.

21 HON. COLLINS: So, I am not saying
22 that the data in 2017 wasn't right. I am
23 just saying per the statute were we

1 supposed to use it. Were we supposed to
2 use it?

3 The data in 2020 and 2021 we all
4 have agreed wasn't right. So, I am not
5 saying that -- because the majority is
6 that, well, 2020 and 2021 is, you know,
7 let's go ahead and use it. It was not
8 good data, but let's just use it since
9 we want to go back and discount 2017.
10 All I am saying is, I am okay with using
11 2017 if we were supposed to use it. But
12 because it was accurate data that would
13 reflect real numbers, 2019 -- excuse me,
14 2020 did reflect real numbers in 2021
15 presumably doesn't reflect real numbers.
16 So, I am trying to be very clear. All I
17 am saying is were we supposed to use
18 2017?

19 If what Mr. Russell says is
20 correct and the dates reflect that we
21 could have been using it, I am just
22 making an argument for nothing. But I
23 don't know that. I am just saying

1 should we be using that data.

2 And so, I am not saying let's
3 just toss out 2017 because we want to.
4 I am saying is, should we've been using
5 it. Should we have been using it?

6 HON. REID: Yeah. Out of an
7 abundance of caution, let's use '20, use
8 '21.

9 HON. COLLINS: Why if it's not
10 accurate?

11 HON REID: That way if we should
12 have used '17, we still have '18, '19, '20
13 and '21. The numbers are what they are.

14 HON. COLLINS: Well, I mean, but
15 you are looking at it from, well, we have
16 got eight seats here and we can just move
17 them. That's not what I'm saying.

18 HON. REID: You can't move eight
19 seats.

20 HON. COLLINS: No. No. You have
21 got eight seats available. You can only
22 move one. What I'm saying is -- all I'm
23 saying is is, if the numbers weren't

1 supposed to be used, then maybe we should
2 back up and say let's use the numbers we
3 should have been using. But what you are
4 saying is, just use the data that's
5 inaccurate. We have got enough seats to
6 reallocate. Let's just use the data
7 that's inaccurate.

8 HON. REID: Well, to be clear the
9 data is not inaccurate. It is what it is.
10 It's just affected by COVID. It's still
11 the same. The data is correct. It
12 applies all the way across the state the
13 same way.

14 HON. COLLINS: Is it accurate to
15 the extent that it doesn't accurately
16 reflect the way the Court would fully
17 operate if all judges were in a position.
18 It doesn't accurately reflect that. Do
19 you see what I am saying? I am just
20 saying -- it is everybody. It is
21 everybody, which is exactly what I am
22 saying. Why use that data? We already
23 said we shouldn't use it.

1 the floor is open for a motion.

2 MS. HUNTER: Yes. This is
3 Stephanie Hunter. Before we get to the
4 motion --

5 CHIEF JUSTICE PARKER: Yes,
6 Stephanie.

7 MS. HUNTER: -- I know I'm
8 replacing Judge Verin. And it's my
9 understanding that the numbers for
10 Jefferson County have been looked at by a
11 group, and he had some concerns. I just
12 wanted to make sure those concerns were
13 addressed.

14 CHIEF JUSTICE PARKER: Stephanie,
15 I have to say that we have heard those
16 concerns previously. Clyde Jones is not
17 here right now, but he has been quite
18 vocal on expressing those to this
19 commission.

20 MS. HUNTER: Okay.

21 CHIEF JUSTICE PARKER: So, we are
22 very cognizant of those arguments.

23 DR. HOBSON: And Chief Justice

1 Parker, I'll tell you what, before the
2 motions and everything, let me just throw
3 this out because, when we met before and
4 we were using the exact same numbers,
5 okay, FY-19 that we voted on, and '17 has
6 been talked about for years and years and
7 voted on every time. Okay?

8 But the last time we presented
9 the letter to the Legislature, it
10 included the top eight district judges
11 for creation in those different
12 counties. And then for the circuit
13 judges, it was 11, but I think we
14 shorted Mobile one, so we moved that to
15 12. So, it's 12 circuit judges and
16 eight district judges that we are going
17 to report to the Legislature that we are
18 in need of. So, I believe that's what's
19 in front of us. And that is what we
20 sent the last time except we had shorted
21 Mobile one.

22 HON. NEWELL: Chief, this is Mike
23 Newell from Winston County.

1 I make a motion that we adopt
2 the numbers that Rich just put before us
3 as to actual need and the State
4 presently, and recommend that the
5 Legislature find the funds for those
6 judgeships along with the related staff
7 that goes along with the respective
8 offices.

9 CHIEF JUSTICE PARKER: Well, and
10 those numbers come from the 2019 --

11 HON. NEWELL: Right.

12 CHIEF JUSTICE PARKER: -- results.
13 Is there a second for that?

14 MS. HUNTER: Second.

15 CHIEF JUSTICE PARKER: Okay. So,
16 let's just see a show of hands. All in
17 favor of the Commission members.

18 (Commission members raising
19 hands).

20 CHIEF JUSTICE PARKER: So, is that
21 ten plus one. And I am assuming the hand
22 that is not raised is in opposition that?

23 HON. COLLINS: It is, Judge.

1 CHIEF JUSTICE PARKER: Okay.

2 Well, that then passes. Let's see what
3 else we need to do.

4 DR. HOBSON: You know, it's that
5 great one at the end.

6 CHIEF JUSTICE PARKER: We are at
7 the point where we have accomplished what
8 our purpose was today so that we can
9 fulfill the statutory responsibility. And
10 I want to just give an opportunity now for
11 anybody to say anything else that they
12 want to present to this commission.

13 (No response).

14 CHIEF JUSTICE PARKER: Well,
15 hearing none, I thank you for your
16 attendance, and we now stand in
17 adjournment.

18
19 (At which time, the Judicial
20 Resource Allocation Committee
21 adjourned meeting at 10:40
22 a.m.)

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REPORTER'S CERTIFICATE

STATE OF ALABAMA,
CHILTON COUNTY,

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

BEFORE THE STATE OF ALABAMA
JUDICIAL RESOURCES ALLOCATION COMMISSION
HEFLIN-TORBERT
JUDICIAL BUILDING

WEDNESDAY, DECEMBER 15TH, 2021

10:00 a.m.

* * * * *

On Wednesday, December 15th, 2021.

The foregoing 44 computer-printed pages
contain a true and correct transcript of the
statements by the persons attending the meeting.

I further certify that I am neither of
relative, employee, attorney or counsel of any of
the persons attending the meeting, nor am I a
relative or employee of these persons, nor am I
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 14th day of January, in the year of
7 our Lord, 2022.

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JS/Jeana S. Boggs

Jeana S. Boggs, CCR
ACCR NO. 7 Exp 9/30/22
Certified Court Reporter and
Notary Public
Commission expires: 8/9/2022

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