

IN THE SUPREME COURT OF ALABAMA
June 21, 2017

WHEREAS on March 6, 2017, Act No. 2017-42, which establishes the Judicial Resources Allocation Commission, was approved by the Governor and became effective; and

WHEREAS Act No. 2017-42 requires the Judicial Resources Allocation Commission to review annually the need for increasing or decreasing the number of judgeships in each district court and circuit court in the State, using the criteria in Act No. 2017-42; and

WHEREAS Act No. 2017-42 requires the establishment of a formula to determine the need for increasing or decreasing the number of judgeships in the district courts and the circuit courts; and

WHEREAS Act No. 2017-42 requires the Judicial Resources Allocation Commission in its deliberations to consider, among other criteria, a yearly Judicial Weighted Caseload Study, as adopted by the Alabama Supreme Court; and

WHEREAS Act No. 2017-42 requires that the yearly Judicial Weighted Caseload Study uniformly calculate how civil, criminal, and domestic cases are accounted for between circuits and to uniformly, fairly, and accurately account for criminal cases brought against defendants by counts; and

WHEREAS the Administrative Director of Courts and the Director for Case and Jury Management for the Administrative Office of Courts have submitted to this Court a certified copy of the formula (attached as an appendix to this order) to be applied in each yearly Judicial Weighted Caseload Study; and

WHEREAS it is the opinion of this Court that the formula accurately and uniformly calculates how civil, criminal, and domestic cases are accounted for between circuits and uniformly, fairly, and accurately accounts for, by counts, criminal cases brought against defendants;

IT IS ORDERED that the formula attached as an appendix to this order will be applied to the data the Administrative Office of Courts has collected for the years 2014, 2015, and 2016 and will be applied to the data collected for each year

thereafter to produce the Judicial Weighted Caseload Study for the respective year.

IT IS FURTHER ORDERED that this order be placed in the minutes of this Court.

Stuart, C.J., and Bolin, Parker, Shaw, Main, Wise, Bryan, and Sellers, JJ., concur.

DONE this 21st day of June, 2017.

I, Julia Jordan Weller, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 21st day of June, 2017


Clerk, Supreme Court of Alabama

APPENDIX

Judicial Weighted Caseload Study 2014, 2015, and 2016

I, Cary McMillan, do hereby certify that the attached formula used in the Judicial Weighted Caseload Study "uniformly, fairly, and accurately accounts for criminal cases by counts brought against a defendant;" that the formula has been accurately applied to the data for 2014, 2015, and 2016; and that the results reflect to the best of my knowledge the judicial needs for those years.

Submitted this the 8th day of May, 2017.

Cary McMillan
Cary McMillan

I, Randy Helms, do hereby certify that the attached formula used in the Judicial Weighted Caseload Study "uniformly, fairly, and accurately accounts for criminal cases by counts brought against a defendant;" that the formula has been accurately applied to the data for 2014, 2015, and 2016; and that the results reflect to the best of my knowledge the judicial needs for those years.

Submitted this the 8th day of May, 2017.

Randy Helms
Randy Helms

Weighted Caseload Statistics 2016

2016 Final Workload Case/Charge Types and Weight (minutes)

| Case/Charge types | Circuit | District |
|--|---------|----------|
| Capital Crimes | 2,254 | 99 |
| Felony-Person | 104 | -- |
| Felony-Property | 38 | -- |
| Felony-Drug | 58 | -- |
| Felony-Other | 36 | 13 |
| Class A Felony | -- | 35 |
| Misdemeanor | 7 | 22 |
| Lower Court Appeals | 45 | -- |
| DUI | -- | 33 |
| Traffic | -- | 4 |
| General Civil-Tort | 203 | -- |
| General Civil-Other | 92 | -- |
| Contracts | 41 | -- |
| Domestic Violence/Protection Orders | 45 | -- |
| Workman's Comp. | 78 | -- |
| Domestic Relations- Contested | 148 | -- |
| Domestic Relations- Uncontested | 11 | -- |
| District Civil/Small Claims | -- | 15 |
| Unlawful Detainer | -- | 17 |
| Juvenile-Delinquency | 35 | 35 |
| Juvenile-Dependency | 130 | 130 |
| Juvenile-TPR | 555 | 555 |
| Paternity | 27 | 27 |
| Child Support | 19 | 19 |

A charge is a count. Criminal cases may have many counts or just one count. Example of many counts: a circuit criminal case with 2 assault 1st counts, 1 theft of property 1st count, and 1 burglary 1st count. 2 felony-persons (assault counts) and 2 felony-property (theft and burglary counts). All Counts are included in the different case/charge types.

Examples of these case/charge types are:

Capital Crimes

- Circuit Criminal (CC) or District Criminal (DC)
 - Capital Murder charges (counts)

Felony-Persons

- Circuit Criminal (CC) or District Criminal (DC)
 - Violence against persons (counts)
 - Assault 1st and 2nd
 - Domestic Violence 1st and 2nd
 - Robbery 1st, 2nd, and 3rd
 - Violent sexual charges (counts)
 - Rape 1st and 2nd
 - Sodomy 1st and 2nd
 - Sexual Abuse 1st

Felony-Property

- Circuit Criminal (CC) or District Criminal (DC)
 - Property charges (counts)
 - Burglary 1st, 2nd, and 3rd
 - Criminal Mischief 1st
 - Theft of Property 1st and 2nd

Felony-Drug

- Circuit Criminal (CC) or District Criminal (DC)
 - Drug charges (counts)
 - Possession of a Controlled Substance
 - Trafficking Illegal Drugs
 - Unlawful Manufacturing of a Controlled Substance

Felony-Other

- Circuit Criminal (CC) or District Criminal (DC)
 - All felonies counts that are not included in any of the above (counts)
 - Alcohol – Possession of a Still
 - Unauthorized Use of an Airplane
 - Rifle/Gun Walking Cane
 - This includes Bond Forfeitures and Violation of Probation that are felonies

Misdemeanor

- Circuit Criminal (CC) or District Criminal (DC)
 - Misdemeanors and Miscellaneous charges (counts)
 - Includes: Alcohol, Conservation, Drug, Government/Administration, Other, Person, Property, Revenue/PSC
 - Bond Forfeitures and Violation of Probation if not a felony

Lower Court Appeals

- Circuit Criminal (CC)
 - Includes: Municipal, District Criminal, and Traffic appeals

General Civil-Tort

- Circuit Civil cases (CV)
 - Negligence
 - Malpractice
 - Wrongful Death

General Civil-Other

- Circuit Civil cases (CV)
 - Condemnation/Eminent Domain/Right-of-Way
 - Civil Rights
 - Eviction Appeal/Unlawful Detainer

Contracts

- Circuit Civil cases (CV)
 - Case Type Code - CONT

Domestic Violence/Protection Orders

- Domestic Relations cases (DR) and Circuit Civil cases (CV)
 - Protection from Abuse cases

Workers' Compensation

- Circuit Civil cases (CV)
 - Workers' Compensation cases

Domestic Relations-Contested

- Domestic Relations cases (DR)
 - Excludes Protection Orders

Domestic Relations-Uncontested

- Domestic Relations cases (DR)
 - Excludes Protection Orders

DUI

- Traffic cases
 - All traffic DUI cases

Traffic

- Traffic cases
 - Excludes DUI cases

Other Civil/Small Claims

- District Civil cases (DV) and Small Claims cases (SM)
 - Excludes unlawful detainer cases

Unlawful Detainer

- District Civil cases (DV) and Small Claims cases (SM)
 - Unlawful detainer cases

Juvenile-Delinquency

- Juvenile cases (JU)

- Delinquency, CHINS, and Other cases

Juvenile-Dependency

- Juvenile cases (JU)
 - Dependency cases (excludes termination of parental rights)

Juvenile-TPR

- Juvenile cases (JU)
 - All termination of parental rights cases

Paternity

- Child Support cases (CS)
 - Paternity cases

Child Support

- Child Support cases (CS)
 - Excludes paternity cases

Calculation of Implied Need

Step 1 -

Number of cases/counts:

- Start with all the cases filed in the fiscal year
- All Civil, Traffic, and Juvenile cases are counted
- Criminal cases are broken out by charge and count

In individual counties for each case type:

- Civil, Traffic, and Juvenile - # of Cases x case type weight = minutes
- Example: 795 (Contract cases) x 41 = 32,595 minutes

In individual counties for each charge type:

- Civil, Traffic, and Juvenile - # of counts x charge type weight = minutes
- Example: 673 (Felony-Drug counts) x 58 = 39,034 minutes

Add totals in each case/charge type to get total workload minutes for the county/circuit.

Step 2 -

Calculate implied need for the circuit or district

- Divide Total Workload Minutes by Judge Year Value¹ – 90,300 (multi-county circuit – 83,850) to get “Overall Judicial Officer Need”
- For circuit, subtract District Judges hearing circuit cases.
- For district, add District Judges hearing circuit cases.

¹ The Judge Year Value is the number of minutes available annually to process cases.

- Subtract referees hearing cases to calculate "Judge Implied Need" (how many judges needed)
- Subtract actual judges to get how many additional judges are needed

Example:

Circuit:

For a Single County Circuit -

$397,320 \div 90,300 = 4.4$ Overall Judicial Officer Need

$4.4 - 0.1 - 0.2 = 4.1$ Circuit Court Judge Implied Need

$4.1 - 3 = 1.1$ Additional Circuit Court Judge Implied Need

District:

For a Suburban County -

$270,900 \div 90,300 = 3.0$ Overall Judicial Officer Need

$3.0 + 0.1 - 0.7 = 2.4$ District Court Judge Implied Need

$2.4 - 2 = 0.4$ Additional District Court Judge Implied Need