

IN THE SUPREME COURT OF THE STATE OF ALABAMA

ADMINISTRATIVE ORDER

WHEREAS, pursuant to Article IV, Section 149, to the Constitution of Alabama, the Chief Justice is the administrative head of the judicial system;

WHEREAS, pursuant to §12-12-30(b)(7), Code of Alabama 1975, the Chief Justice is authorized and empowered to “take affirmative and appropriate action to correct or alleviate any condition or situation adversely affecting the administration of justice within the state”;

WHEREAS, pursuant to §12-12-30(b)(8), Code of Alabama 1975, the Chief Justice is authorized and empowered to “take any such other, further or additional action as may be necessary for the orderly administration of justice within the state” whether or not specifically enumerated in the law;

WHEREAS, during the past decade the Legislature enacted legislation requiring \$64,000,000 in additional statutorily required expenditures to be made from the Unified Judicial System’s General Fund appropriations, including increases in court system employees’ and officials’ retirement contributions, medical or health care insurance premiums, funding for additional judgeships, cost of living salary increases for all court system employees, court officials’ statutory pay increases, *etc.*, but provided only \$32,000,000 in additional appropriations with the result being that the UJS has been required to absorb the difference—\$32,000,000 in these unfunded, but statutorily required expenditures from the UJS General Fund appropriation;

WHEREAS, the Judicial Branch of state government has been consistently and substantially underfunded in its General Fund appropriations over the past decade, the cumulative effect of which has been to cause, among other things, critical manpower shortages throughout all state judicial system offices, including most prominently, the offices of the Circuit and District Judges, the Circuit Clerks, and Juvenile Probation; a hiring freeze and the suspension of merit raises for all such offices that is now in its third year, and the resultant inability to retain or replace key judicial system employees; and completely inadequate provisions for the modernization and replacement of antiquated equipment that is necessary to take advantage of electronic automation of court business; as well as a myriad of other problems related to or directly caused by such consistent and chronic underfunding;

WHEREAS, despite an inadequate General Fund appropriation for the court system for the 2011 Fiscal Year, the Governor has declared proration for the remainder of this fiscal year; this declaration and the resultant additional diminishment of funding available to the court system further exacerbates the fragility of the current operations of the court system;

WHEREAS, despite the inadequacies in the funding for the Judicial Branch over the past decade, and despite the additional reduction in the funding of the court system for the 2011 Fiscal Year that will result from the declaration of proration for the remainder of this fiscal year, the Governor has proposed to even further reduce the UJS General Fund appropriation for the 2012 Fiscal Year by almost \$16,000,000, which is more than 10% from last year's General Fund appropriation.

WHEREAS, a well-functioning, adequately funded judiciary is one of the primary and essential features of any system of ordered liberty, most other functions and offices of government, important as they may be, are secondary in importance to a judicial system, and a judiciary, fully and adequately staffed and funded, capable of timely and accurate delivery of civil and criminal justice, being essential to the existence of a democratic government; and

WHEREAS, these facts considered, the state's court system is in crisis; these cumulative reductions of funding are threatening its ability to perform its constitutional mandate, thereby serving to undermine the public's confidence in state government as a whole; as a result, I therefore reluctantly find that in order to preserve the timely and orderly administration of justice by Alabama's trial courts, extraordinary measures are required.

IT IS THEREFORE ORDERED AND DIRECTED as follows:

1. Beginning Friday, May 6, 2011, the Presiding Judge in each circuit is authorized to direct and order the offices and courtrooms of all Circuit Judges, District Judges, Circuit Clerks, District Clerks, Court Administrators, and Juvenile Probation Officers to be closed to the general public on Friday of each week. If such an order is entered in a circuit, the Presiding Judge shall further direct and order that said officials and their staffs shall report for work on each Friday and carry out those of their job duties and functions that must be performed or accomplished when their attention is not required by area citizens who have come to their offices and courtrooms to transact court business and/or attend hearings, trials, or sessions of court.

2. For any court system offices and courtrooms that are closed to the general public on Fridays beginning Friday, May 6, 2011, Rule 5(D) of the Alabama Rules of Judicial Administration shall apply to those closings. Attorneys and litigants who are required by state law, court rule, court order, or otherwise, to meet filing deadlines that expire on Fridays are encouraged to use electronic filing. Further, in each circuit in which court offices are closed on Fridays, the Circuit Clerk in each such circuit in consultation with the circuit's Presiding Judge, shall establish a drop-box or similar device, system, or means of receiving, recording, and documenting the receipt on such Fridays of any time-sensitive filings; additional provisions shall be made in each such circuit for the timely receipt and processing of true emergency matters, *e.g.*, applications for arrest warrants and search warrants, protection from abuse petitions, temporary restraining orders, *etc.*, that are made on Fridays.

3. The current level of jury trials cannot be sustained due to a lack of adequate court personnel, funding, and equipment. Therefore, each circuit is directed as soon as practical to reduce by one-half the number of weeks of jury trials in civil cases and to reduce by one-fourth the number of weeks of jury trials in criminal cases, provided that the constitutional requirement of two jury terms per year in each circuit is adhered to. The Presiding Judge in each circuit is ordered and directed to consider, and where practicable, ordered and directed to combine terms of jury trials for civil and criminal cases.

4. All attorneys licensed to practice law in the State of Alabama shall prior to, May 13, 2011, complete their registration with the AlaFile electronic filing system, a free service provided to attorneys at <https://alafile.alacourt.gov>; and effective May 15, 2011, all notices from Clerks' Offices to attorneys shall be provided through the AlaFile system. This will enable attorneys to electronically receive notices, orders, and other papers from the trial courts by e-mail, thereby avoiding the unnecessary and wasteful expense of the postage and manpower costs involved in Circuit Clerks' Offices providing notices to attorneys by U. S. Mail.

5. In order to save on jury costs, all court officials who are responsible for jury organization and orientation shall request that, in the spirit of shared burden, jurors waive their expense allowances, fees and mileage for their jury service. Further, courts handling jury trials shall consider taxing juror costs to parties whenever possible and appropriate.

6. Court officials in each county shall establish and use a juror call-in system whereby persons who have been summoned for a term of jury service will be able to contact the court on or prior to each of the mornings on which they are required to report for jury service throughout their term of jury service to determine whether their attendance at the courthouse for such service is required on that day, thereby minimizing the number of jurors whose jury fees and mileage must be tendered or paid.

7. For each county in which more than one courthouse houses offices or courtrooms that are used by a Circuit Judge, District Judge, Circuit Clerk, Juvenile Probation Officer, or other UJS official, in that circuit, the circuit's Presiding Judge and Circuit Clerk are ordered and directed to begin planning to close all UJS offices and courtrooms in all but one of these courthouses and to plan for the consolidation of the all operations of the UJS within that county in one courthouse. Given the anticipated reduction in the General Fund appropriation for the UJS in the fiscal year beginning six months hence, on October 1, 2011, this measure is required to allow adequate time to plan for and coordinate the closing of the UJS offices these courthouses.

8. The amount paid by the Administrative Office of Courts to supplement the salaries of those Juvenile Probation Officers who are county employees shall be reduced by the same percentage that the UJS budget is reduced by either or both proration or a reduction in the General Fund budget for the court system in the applicable fiscal year

and thereby approximate the amount of reduction in funding for the offices of Juvenile Probation Officers who are state employees.

9. Circuit Judges and District Judges are directed to give increased review and scrutiny to (a) all indigent fee declarations submitted by attorneys appointed to represent indigent defendants, and (b) any remittances of court costs, fees, fines, restitution or other monetary awards made as a part of a sentence imposed pursuant to a criminal conviction.

DONE on this the 12th day of April, 2011.

A handwritten signature in black ink, appearing to read "Sue Bell Cobb", written over a horizontal line.

SUE BELL COBB
CHIEF JUSTICE