

Supreme Court of Alabama

Annual Statistics

**For The Fiscal Year
Ending September 30, 2009**

Table I. Filings and Dispositions

	09/30/2005	09/30/2006	09/30/2007	09/30/2008	09/30/2009
Filings					
Certiorari Petitions	823	784	724	711	790
Original Decisions	1183	1081	1105	1020	1011
Total	2006	1865	1829	1731	1801
Dispositions					
Certiorari Petitions	786	821	722	686	756
Original Decisions	1122	1019	1084	1074	1061
Total	1908	1840	1806	1760	1817
Pending (Year End)	938	965	988	959	943
Throughput	95.11%	98.66%	98.74%	101.68%	100.89%

Cases before the Supreme Court seeking decisions on petitions for writs for certiorari to the Court of Civil Appeals and the Court of Criminal Appeals are proceedings seeking discretionary review by the Supreme Court after the case has been decided by a trial court and reviewed on direct appeal by an intermediate appellate court.

Cases before the Supreme Court seeking original decisions consist of direct appeals (proceedings seeking review of a judgment of a trial court in this Court in civil cases where the amount in controversy exceeds \$50,000 or the relief sought is equitable), petitions for extraordinary writs (proceedings seeking review of orders entered during the pendency of a proceeding in a trial court or appellate court), petitions for permission to appeal (proceedings seeking review of a question of law arising during the pendency of a proceeding in a trial court), granted writs in petitions for certiorari (proceedings after this Court has determined further review is warranted of a decision by an intermediate appellate court), and certified questions from federal courts (proceedings where a federal court has referred a question of Alabama law arising in a case before the federal court to this Court for resolution).

After cases are filed with the Supreme Court, they undergo a period for preparation of the record on appeal and the filing of briefs. Once this process is completed, cases are randomly assigned to the Justices for research and the preparation of the Court's decision.

On November 17, 2003, the Supreme Court of Alabama adopted the Alabama Appellate Mediation Rules, which govern the procedure for referring appeals to appellate mediators. Those rules became effective on January 1, 2004, and the program has been successful in both the Supreme Court and the Court of Civil Appeals, having a substantial impact upon the number of cases assigned for decision.

Table II. Number of cases assigned to Justices and pending decisions on petitions of certiorari and original decisions.

	09/30/2005	09/30/2006	09/30/2007	09/30/2008	09/30/2009
Cobb, C.J.					
Certiorari petitions	n/a	n/a	1	3	16
Original decisions	n/a	n/a	20	13	17
Lyons, J.					
Certiorari petitions	11	7	9	10	14
Original decisions	15	10	15	12	9
Woodall, J.					
Certiorari petitions	12	7	7	9	13
Original decisions	9	13	7	10	11
Stuart, J.					
Certiorari petitions	10	5	9	10	12
Original decisions	10	13	9	10	13
Smith, J.					
Certiorari petitions	44	19	20	25	15
Original decisions	44	41	43	27	21
Bolin, J.					
Certiorari petitions	19	18	18	21	26
Original decisions	57	58	53	41	25
Parker, J.					
Certiorari petitions	66	54	42	48	64
Original decisions	54	65	87	89	73
Murdock, J.					
Certiorari petitions	n/a	n/a	29	31	35
Original decisions	n/a	n/a	50	57	41
Shaw, J.					
Certiorari petitions	n/a	n/a	n/a	n/a	48
Original decisions	n/a	n/a	n/a	n/a	33
Former Justices ¹					
Certiorari petitions	42	29	22	20	n/a
Original decisions	62	54	27	25	n/a
Division Staff ²					
Certiorari petitions	n/a	n/a	n/a	6	3
Original decisions	n/a	n/a	n/a	4	8
Total	455	393	468	471	497

¹ Cases assigned to former Justices that are no longer active.

² In September 2008 Justice Parker, in order to deal with a substantial backlog of cases assigned to him, agreed to the transfer of responsibility for disposition of his oldest cases to the Chief Justice and the two most Senior Associate Justices who would supervise two staff attorneys. In order to make funds available for the employment of such staff attorneys, Justice Parker also agreed to a reduction of his staff to a judicial assistant and one staff attorney.

Table III. Number of cases assigned to Justices upon assuming office.

Justice	# Pending Cases	Date Assumed Office
Cobb, C.J. Certiorari decisions Original decisions	3 13	01/15/07
Smith, J. Certiorari decisions Original decisions	25 29	01/17/05
Bolin, J. Certiorari decisions Original decisions	25 36	01/17/05
Parker, J. Certiorari decisions Original decisions	25 33	01/17/05
Murdock, J. Certiorari decisions Original decisions	8 28	01/15/07
Shaw, J. Certiorari decisions Original decisions	4 37	01/19/09

The above table reflects the initial caseload assigned to the Justices that assumed office during the period covered by this report. When each Justice assumes office, he or she assumes responsibility for the cases previously assigned to other members of the Court. At that time, their caseload consisted primarily of these type cases.

Table IV. Average number of days between the assignment of cases and the release of decisions.

	09/30/2005	09/30/2006	09/30/2007	09/30/2008	09/30/2009
Cobb, C.J.					
Certiorari petitions	n/a	n/a	54	62	57
Original decisions	n/a	n/a	164	200	156
Lyons, J.					
Certiorari petitions	34	39	36	38	42
Original decisions	74	96	76	81	92
Woodall, J.					
Certiorari petitions	33	40	35	45	38
Original decisions	64	70	84	85	85
Stuart, J.					
Certiorari petitions	34	35	34	38	39
Original decisions	90	82	94	80	92
Smith, J.					
Certiorari petitions	96	130	84	111	82
Original decisions	185	300	286	289	217
Bolin, J.					
Certiorari petitions	69	69	84	108	96
Original decisions	121	308	371	344	259
Parker, J.					
Certiorari petitions	127	209	176	231	217
Original decisions	0	355	347	439	534
Murdock, J.					
Certiorari petitions	n/a	n/a	69	97	141
Original decisions	n/a	n/a	197	315	362
Shaw, J.					
Certiorari petitions	n/a	n/a	n/a	n/a	80
Original decisions	n/a	n/a	n/a	n/a	134
Division Staff³					
Certiorari petitions	n/a	n/a	n/a	n/a	68
Original decisions	n/a	n/a	n/a	n/a	86
Average For The Court					
Certiorari petitions	65	82	76	91	78
Original decisions	125	168	170	215	199

³ See Footnote 2.

Table V. Number of decisions released.

	09/30/2005	09/30/2006	09/30/2007	09/30/2008	09/30/2009
Cobb, C.J.					
Certiorari petitions	n/a	n/a	17	44	34
Original decisions	n/a	n/a	12	27	25
Lyons, J.					
Certiorari petitions	87	89	83	76	86
Original decisions	51	56	47	56	51
Woodall, J.					
Certiorari petitions	82	91	82	76	87
Original decisions	53	50	53	47	46
Stuart, J.					
Certiorari petitions	82	84	77	72	83
Original decisions	54	50	56	47	50
Smith, J.					
Certiorari petitions	40	105	79	69	98
Original decisions	13	58	34	56	49
Bolin, J.					
Certiorari petitions	66	81	77	71	84
Original decisions	20	44	49	58	55
Parker, J.					
Certiorari petitions	22	90	93	62	25
Original decisions	0	26	20	33	28
Murdock, J.					
Certiorari petitions	n/a	n/a	33	77	87
Original decisions	n/a	n/a	12	41	59
Shaw, J.					
Certiorari petitions	n/a	n/a	n/a	n/a	28
Original decisions	n/a	n/a	n/a	n/a	31
Division Staff⁴					
Certiorari petitions	n/a	n/a	n/a	n/a	51
Original decisions	n/a	n/a	n/a	n/a	24

These statistics do not reflect the following activities: (a) the Court often renders decisions on matters that are disposed of by a panel of the Court or the entire Court without assignment to a Justice; (b) a Justice may write a separate opinion in a case in which that Justice concurs specially, concurs in the result, or dissents; and (c) all Justices have administrative responsibilities.

In its normal operation, the Court sits in two panels, each of which is composed of the Chief Justice and four Justices in alternating seniority. Thus, many cases can be disposed of by the vote of five Justices without requiring the participation of the other four Justices. Because the Chief Justice is required to participate in the case disposition in both panels, and because she has significant additional administrative duties, the Court's Internal Rule III.B.2. provides that she is assigned 1 of every 17 cases from each of the Court's assignment rosters, rather than 1 of every 9 cases. The Chief

⁴ See Footnote 2.

Justice's and Justice Shaw's output for dispositions in the first year of their terms is also skewed downward by the fact that, as former Judges on the Court of Criminal Appeals, they were recused from most of the petitions for certiorari seeking review of the opinions of that court.

The number of released cases reflected above for a Justice in the year in which said Justice assumed office (See Table III) reflects cases released during a period of less than 12 months.

Table VI. Average number of days in which cases with decisions were pending.

	09/30/2005	09/30/2006	09/30/2007	09/30/2008	09/30/2009
Certiorari Petitions	94	96	85	104	106
Original Decisions	267	333	320	363	396

These statistics refer to the initial release of a decision in a case. The certificate of judgment indicating final disposition of a case is not issued until 14 days later, unless an application for rehearing is filed. In such event, additional time is necessary to issue a ruling on the application for rehearing.

The number of days pending in this Court includes the time necessary for preparation of the record on appeal and the filing of briefs. These events occur before the assignment of the case to a Justice for preparation and circulation of a proposed opinion. The number of days pending also includes the time expended while awaiting special concurrences or dissents of other Justices after a majority of the Court has concurred in the release of a proposed opinion.