

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 6.

Presiding judges.

(A) *Selection of presiding circuit judge.* In circuits with more than one circuit judge, the presiding judge of said circuit shall be elected by a majority vote of the circuit judges in the circuit within fourteen (14) days following January 16, 1977, and within fourteen (14) days following the expiration of each term thereafter. The presiding circuit judge shall serve a term of three (3) years, the first term expiring on January 15, 1980; provided, however, that nothing herein should be construed to prohibit a presiding circuit judge from being re-elected for consecutive terms in such office. If a vacancy occurs in the office of the presiding circuit judge prior to the end of a term, a majority of the circuit judges in office at the time of such vacancy shall elect a presiding circuit judge to serve the unexpired term; provided that, if only one other circuit judge is in office at the time of the vacancy or at the time an additional judgeship is established, such judge shall be the presiding circuit judge for the unexpired term. Notwithstanding the other provisions in this rule, the presiding circuit judge shall be subject to removal by the Supreme Court. In the event of removal, the Supreme Court shall appoint another circuit judge to serve the unexpired term. If an election is required, and a presiding circuit judge is not elected within twenty-eight (28) days after the beginning of a new term or the occurrence of a vacancy, the Supreme Court shall, upon receiving notice of such fact, elect a presiding circuit judge.

(B) *Selection of presiding district judge.* In counties with more than one district judge, the presiding circuit judge, with the advice and consent of a majority of circuit judges in the circuit, shall appoint a presiding district judge to serve a term of one (1) year. At the end of such term, or upon the occurrence of a vacancy, the presiding circuit judge shall appoint a presiding district judge for a full term in the manner set out herein, which term shall begin on the date of said appointment. Nothing herein shall be construed to prohibit the re-appointment of the same judge as the presiding district judge.

(C) *Selection of presiding judges for divisions.* Proposals for the creation and maintenance of divisions of either the circuit or district courts, which are to take effect after October 1, 1987, shall be submitted to the Supreme Court for approval; provided, however, that all such proposals must first have the consent of a majority of the judges in the court to be affected thereby, which consent shall be evidenced by certificate of the presiding circuit judge. All authorizations for divisions in any circuit or district court may be subject to annual review by the Supreme Court. Following approval of divisions of court as herein provided, or as may otherwise be established by law, the presiding circuit judge, with the advice and consent of a majority of circuit judges in the circuit, may appoint circuit judges to serve as presiding judges of the divisions of the circuit court and, with

the advice and consent of a majority of the district judges, may appoint district judges to serve as presiding judges of the divisions of the district court. Terms for presiding judges of divisions of the circuit or district court shall be for one (1) year, beginning on the date of appointment.

(D) *Notification regarding presiding judges.* The presiding circuit judge shall send written notification to the clerk of the Supreme Court and the administrative director of courts (“ADC”) of the judge’s election to that position. The presiding circuit judge shall also send written notification to the ADC of all appointments pursuant to subdivisions (B) and (C), which notice shall include the date on which such terms began. In the event a presiding circuit judge is not elected, the senior circuit judge shall send notification of that fact to the clerk of the Supreme Court and the ADC.

[Amended 9-28-87, eff. 10-1-97; amended eff. 5-6-96.]

Comment

This rule provides for the selection of presiding circuit judges in circuits having more than one circuit judge. Subdivision (A) of the rule is to be read in conjunction with Ala.Code 1975, Section 12-17-23.

The rule further provides for the selection of a presiding district judge and for presiding judges for divisions of courts. These judges assist the presiding circuit judges in seeing that the business of the courts or divisions over which they preside is attended to promptly and efficiently, although ultimate responsibility lies with the presiding circuit judges.