

# **Supreme Court of Alabama**

**Annual Statistics**

**For The Fiscal Year  
Ending September 30, 2018**

## Table I

### Filings and Dispositions.

	09/30/2014	9/30/2015	9/30/2016	9/30/2017	9/30/2018
<b>Filings</b>					
Certiorari petitions	662	602	606	462	471
Original decisions	849	834	760	706	745
Total	1511	1436	1366	1168	1216*
<b>Dispositions</b>					
Certiorari petitions	711	618	613	513	473
Original decisions	943	881	794	719	764
Total	1654	1499	1407	1232	1237
<b>Pending (Year End)</b>	559	512	477	425	417
<b>Throughput</b>	109.46%	104.38%	103.30%	105.47%	101.72%

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 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.

\*The number of cases *filed* does not include 12 additional appeals that were "filed" in the 2016-2017 fiscal year but not *docketed* until the 2017-2018 fiscal year, bringing the total number of cases docketed and processed through the court this year to 1228. These additional 12 cases were not captured by last year's annual statistical report, nor are they included in this year's annual statistical report.

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

	09/30/2014	09/30/2015	9/30/2016	9/30/2017	9/30/2018
<b>Stuart, C. J.*</b>					
Certiorari petitions	8	8	9	2	1
Original decisions	11	5	6	5	4
<b>Bolin, J.</b>					
Certiorari petitions	8	9	10	6	5
Original decisions	14	14	9	10	19
<b>Parker, J.</b>					
Certiorari petitions	8	6	12	7	6
Original decisions	10	8	18	2	5
<b>Shaw, J.</b>					
Certiorari petitions	14	21	15	17	11
Original decisions	22	18	20	22	16
<b>Main, J.</b>					
Certiorari petitions	9	5	8	5	4
Original decisions	9	5	5	7	7
<b>Wise, J.</b>					
Certiorari decisions	8	9	7	6	5
Original decisions	12	14	9	8	11
<b>Bryan, J.</b>					
Certiorari decisions	11	7	10	8	6
Original decisions	16	9	3	9	8
<b>Sellers, J.</b>					
Certiorari decisions	n/a	n/a	n/a	7	6
Original decisions				13	13
<b>Mendheim, J</b>					
Certiorari decisions	n/a	n/a	n/a	n/a	9
Original decisions					18
<b>Former Justices**</b>					
Certiorari decisions	19	17	16	11	n/a
Original decisions	37	37	26	21	
<b>Total</b>	216	192	266	166	154

\*Throughout this report, during the years 2014, 2015 and 2016 and from October 1, 2016, to April 26, 2017, Chief Justice Stuart served as an Associate Justice. On April 26, 2017, then Justice Lyn Stuart resigned her position as an Associate Justice and Governor Kay Ivey appointed Justice Stuart to serve as Chief Justice. See note below table V.

\*\* Cases assigned to former Justices who are no longer active.

### Table III.

#### Number of cases assigned to Justices upon assuming office.

	# Pending Cases	Date Assumed Office
<b>Sellers, J.</b>		
Certiorari decisions	9	5/25/2017
Original Decisions	20	
<b>Mendheim, J.</b>		
Certiorari decisions	4	1/22/2018
Original Decisions	25	

The above table reflects the initial caseload assigned to sitting 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, each Justice's caseload consisted primarily of these type cases.

**Table IV.**

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

	09/30/2014	9/30/2015	9/30/2016	9/30/2017	9/30/2018
<b>Stuart, C. J.*</b>					
Certiorari petitions	36	45	39	35	33
Original decisions	68	69	84	62	65
<b>Bolin, J.</b>					
Certiorari petitions	43	50	44	38	39
Original decisions	126	118	145	102	128
<b>Parker, J.</b>					
Certiorari petitions	44	46	46	41	41
Original decisions	124	110	124	149	102
<b>Shaw, J.</b>					
Certiorari petitions	131	101	130	115	91
Original decisions	256	180	250	227	163
<b>Main, J.</b>					
Certiorari petitions	36	41	38	35	35
Original decisions	131	73	60	62	50
<b>Wise, J.</b>					
Certiorari petitions	56	42	42	32	38
Original decisions	134	137	177	129	115
<b>Bryan, J.</b>					
Certiorari petitions	68	57	52	36	36
Original decisions	129	121	99	69	75
<b>Sellers, J.</b>					
Certiorari petitions	n/a	n/a	n/a	39**	45
Original Decisions				74	104
<b>Mendheim, J.</b>					
Certiorari petitions	n/a	n/a	n/a	n/a	53***
Original Decisions					135
<b>Average for the Court****</b>					
Certiorari petitions	66	56	59	48	47
Original decisions	165	132	148	137	109

\*For the years 2014, 2015, and 2016 and from October 1, 2016 to April 26, 2017, Chief Justice Stuart served as an Associate Justice.

\*\*The averages for Justice Sellers are from May 25, 2017, through September 30, 2017. Justice Sellers was appointed by Governor Kay Ivey on May 25, 2017.

\*\*\*The averages for Justice Mendheim are from January 22, 2018 through September 30, 2018. Justice Mendheim was appointed by Governor Kay Ivey on January 22, 2018.

\*\*\*\*The "Average for the Court" values are calculated by dividing the total number of days for all cases by the total number of cases for all Justices during the specified date range for the evaluated case type. The value is then rounded for readability. Only active Justices have their individual averages listed.

**Table V.****Number of decisions released.**

	09/30/2014	9/30/2015	9/30/2016	9/30/2017	9/30/2018
<b>Stuart, C. J.</b>					
Certiorari petitions	71	65	67	56	25
Original decisions	44	44	44	33	15
<b>Bolin, J.</b>					
Certiorari petitions	72	61	67	55	52
Original decisions	35	39	48	34	25
<b>Parker, J.</b>					
Certiorari petitions	74	67	59	60	52
Original decisions	38	28	27	42	30
<b>Shaw, J.</b>					
Certiorari petitions	89	57	74	45	55
Original decisions	37	33	26	31	34
<b>Main, J.</b>					
Certiorari petitions	64	66	64	56	50
Original decisions	48	24	35	36	32
<b>Wise, J.</b>					
Certiorari petitions	73	63	69	52	49
Original decisions	40	29	33	31	24
<b>Bryan, J.</b>					
Certiorari petitions	75	71	67	56	49
Original decisions	48	39	38	33	37
<b>Sellers, J.</b>					
Certiorari petitions	n/a	n/a	n/a	26**	51
Original decisions				18	40
<b>Mendheim, J.</b>					
Certiorari petitions	n/a	n/a	n/a	n/a	40***
Original decisions					36

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 the Chief Justice has significant additional administrative duties, the Court's Internal Rule III.B.2. provides that the Chief Justice is assigned 1 of every 17 cases from each of the Court's assignment rosters, rather than 1 of every 9 cases. The number of released decisions reflected above for a Justice in the year in which said Justice assumed office (see Table III) reflects decisions released during a period of less than 12 months.

\*On April 26, 2017, and thereafter, Chief Justice Stuart, in accordance with Internal Rule III.B.2., was assigned 1 of every 17 cases from each of the Court's assignment rosters.

\*\*Because Justice Sellers did not take office until May 25, 2017, the number of decisions released is calculated beginning from May 27, 2017, rather than from October 1, 2016.

\*\*\*Because Justice Mendheim did not take office until January 22, 2018, the number of decisions released is calculated beginning from January 22, 2018, rather than from October 1, 2017.

**Table VI.**

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

	<b>09/30/2014</b>	<b>09/30/2015</b>	<b>09/30/2016</b>	<b>9/30/2017</b>	<b>9/30/2018</b>
Certiorari petitions	82	70	70	60	59
Original decisions	350	290	304	279	247

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.