

Rules of Procedure for the Alabama Court of the Judiciary

Rule 16.

Decisions, orders, etc., of court.

The Court may, after notice and a public hearing, consider any proposed resolution of the charge or charges submitted by joint motion of the parties. Neither the fact of the filing nor any fact alleged therein or related thereto may be considered by the Court in its final adjudication if the proposal is rejected. Any proposed resolution should be submitted to the Court at least 10 days prior to the hearing.

Within 10 days following submission of the matter, the Court shall enter an appropriate order, exercising the authority vested in it by § 157, Ala. Const. 1901 (Off. Recomp.) (§ 6.18 of Amendment No. 328), or shall dismiss the complaint. With respect to all matters other than removal from office, the Court shall convict only with the concurrence of no fewer than six of its nine members. With respect to removal from office, the Court shall convict only with the concurrence of all members sitting. A failure to convict within 10 days after the conclusion of the hearing shall constitute an acquittal. The decision of the Court shall be final, subject to appeal rights contained in § 157, Ala. Const. 1901 (Off. Recomp.).

[Adopted 3-11-74; Amended eff. 10-10-2001; Amended eff. 2-4-2002, Amended 4-1-2010, eff. 5-1-2010.]

COURT NOTE

A revision to Rule 16 is necessary because the former rule provided that a decision could be made based on the vote of only three members. Amendment No. 581, Alabama Constitution of 1901, effective June 19, 1996, increased the membership of the Court of the Judiciary to nine members.

Note from the reporter of decisions: The order amending Rules 3, 6, 9, 10, and 16 and adopting Rule 27 effective October 10, 2001, as well as Justice Houston's writing dissenting in part from that order, is published in that volume of *Alabama Reporter* that contains Alabama cases from 802 So.2d.

Note from the reporter of decisions: The order amending Rule 16 and adopting the Court Note effective February 4, 2002, is published in that volume of *Alabama Reporter* that contains cases from 810 So.2d.

Note from the reporter of decisions: The order amending Rule 5, Rule 9, and Rule 16, Rules of Procedure for the Alabama Court of the Judiciary, effective May 1, 2010, as well as Justice Lyons's writing concurring specially in that order, which Chief Justice Cobb joined, is published in that volume of the *Alabama Reporter* that contains Alabama cases from 31 So. 3d.