

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 13.

Assignments of judges and other court personnel.

(A) A presiding circuit court judge, by order, may assign a judge who is within the circuit to serve within the circuit courts or within the district courts of the circuit. Before assigning a judge, the presiding circuit court judge shall evaluate the needs of the circuit, including the currency, congestion, and backlog of criminal and civil cases. This assignment shall continue until revoked by the presiding judge or until the assigned judge leaves office, whichever comes first.

(B) Assignments of judges by the presiding circuit court judge shall be in writing and shall be sent to the assigned judge as soon as practicable. The presiding circuit court judge or the judge's designee may notify the assigned judge orally of the assignment. An oral notification of an assignment is sufficient until a written notification can be prepared and delivered to the assigned judge. A copy of each written assignment shall be filed with the Administrative Director of Courts and in the office of the clerk of the court to which the assignment is made.

(C) Except as otherwise provided by law or rule, the presiding judge may assign judicial assistants, court attendants, bailiffs, and court reporters in the judicial system within the circuit to service in the circuit or district court as the service may be required.

[Amended 9-28-87, eff. 10-1-87; Amended 11-8-2019.]

Comment

The presiding circuit judge may temporarily assign circuit or district judges in the circuit to service in either the circuit or district court if, in his discretion, he deems such assignment necessary to assist in the orderly administration of justice within the circuit.

Subdivision (B), which was taken from former Rule 14, was amended to eliminate the conflicting language that the assignment “shall be in writing” but that “oral notification shall be sufficient.”

Subdivision (C), is supplemental to the supervisory authority in Ala.Code 1975, Section 12-17-24, and is intended to provide the presiding circuit judge with the needed flexibility to assign certain court personnel on a temporary basis as the needs of the courts within the circuit might require.

Former Rules 13 and 14 are combined in this Rule.

Committee Comments to Amendment to Rule 13
Effective November 8, 2019

In the 2018 Regular Legislative Session, the Alabama Legislature enacted Act No. 2018-567, to add § 12-9A-7 and § 12-9A-8 to the Code of Alabama 1975. Subsection (e) of § 12-9A-8 provides:

"It is the intent of the Legislature that pursuant to Amendment 328 of the Constitution of Alabama of 1901, now appearing as Section 150 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, the Supreme Court of Alabama shall amend Rule 13 of the Alabama Rules of Judicial Administration to conform with the provisions of this section."

This amendment conforms the rule to the statute. Subsection (d) of § 12-9A-8 provides that that Code section shall not apply in Jefferson County; the 2019 amendment to Rule 13, however, does apply to Jefferson County. Exempting that county from the rule in addition to the statute would prevent the presiding circuit court judge in Jefferson County from using his or her discretion to make any assignments of judges within the 10th Judicial Circuit.

Note from the reporter of decisions: The order amending Rule 13 and adopting the Committee Comments thereto, effective November 8, 2019, is published in that volume of *Alabama Reporter* that contains Alabama cases from ___ So. 3d.