

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 16.

Calendar management.

(A) The presiding judges of the circuit court and district court, or their designees over whom they have supervisory authority, shall determine the calendaring of cases within their respective courts.

(B) The causes on the dockets for trial shall be called peremptorily at the times fixed by law and at such other times as may be fixed by order of the presiding circuit judge or the chief justice of the Supreme Court.

(C) In all criminal cases in the circuit court in which an indictment has been issued and a warrant of arrest has been twice returned "not found," the district attorney may, by leave of court, withdraw and file the indictment, or the court, on its own motion, may direct that the district attorney withdraw and file the indictment, which order shall state the reasons justifying such action. Any indictment which has been withdrawn and filed as herein provided may be reinstated by the district attorney when the ends of justice require such reinstatement.

(D) Trials involving the termination of parental rights shall be given priority over all other nonjury trials.

[Amended 9-28-87, eff. 10-1-87; Amended eff. 11-9-2006.]

Comment

Because presiding judges of the circuit and district courts are charged with the responsibility of seeing that the business of the courts is attended with proper dispatch and that dockets are not permitted to become congested or delayed, it is important that they have control of court calendars and dockets, as provided in subdivision (A), if they are to accomplish this task.

Subdivision (B), providing for the call of cases, further authorizes the presiding circuit judge or the chief justice to order the special call of cases at times other than now fixed by law to ensure the efficient management of cases.

Subdivision (C) was drafted to help minimize docket congestion in circuit courts caused by the accumulation of cases wherein the defendants cannot be located. The rule authorizes the circuit judge, in addition to the district attorney who is already authorized pursuant to Ala.Code 1975, Section 15-8-71, to direct

the withdrawal and filing of indictments after two warrants of arrest are returned unexecuted.

This Rule replaces former Rules 15 and 29.

Note from the reporter of decisions: The order amending Rule 16, Rule 18, Rule 19, Rule 20, Appendix B to Rule 20, Rule 30, and Rule 31, effective November 9, 2006, is published in that volume of *Alabama Reporter* that contains Alabama cases from 944 So. 2d.