

ALABAMA RULES OF JUDICIAL ADMINISTRATION

Rule 42.

Judicial volunteer program.

(A) *Establishment of judicial volunteer program.* There is hereby established, in the Administrative Office of Courts (“AOC”), a Judicial Volunteer program for use in the circuit courts and the district courts in Alabama to provide quality volunteer services to the court system, using citizens who have been carefully screened; interviewed, and trained in the appropriate judicial volunteer program. The Unified Judicial System (“UJS”) recognizes the importance of volunteers in its overall mission of providing effective and efficient justice to the citizens of Alabama. The Judicial Volunteer Program is designed to offer a variety of services that benefit the judicial system and provide meaningful participation for citizen volunteers. The volunteers participating in the judicial volunteer program are volunteers in service of the UJS, and are not to be considered volunteers in service of a county.

(B) *Use of judicial volunteers in a circuit or a county.* If a circuit judge or a district judge or a clerk wants to use judicial volunteers in his or her circuit or county, the judge or clerk should consult with the presiding circuit judge for approval, specifying for what purpose judicial volunteers are needed. After the program is approved, the presiding circuit judge, or the judge’s designee, should contact AOC, which will assist the presiding circuit judge in organizing the program and in selecting the designated judicial volunteer coordinator. The designated judicial volunteer coordinator must meet the minimum qualifications for volunteers provided in this rule, as well as any criteria listed in the job description and qualifications set out by AOC. The judicial volunteer coordinator is responsible for recruiting the judicial volunteers and for managing the judicial volunteer program.

(C) *Recruitment of prospective judicial volunteers.* In recruiting prospective judicial volunteers, the judicial volunteer coordinator must ensure that the prospective judicial volunteers meet the minimum qualifications provided in this rule for judicial volunteers. In addition, the judicial volunteer coordinator should select prospective judicial volunteers who reflect the community in which they live, including, but not limited to, persons of different races, genders, socioeconomic levels, ages, and, if necessary, persons who are able to understand and to interpret languages other than English. The judicial volunteer coordinator should seek diversity among the prospective volunteers.

(D) *Minimum qualifications for prospective judicial volunteers.* Any prospective judicial volunteer shall:

- (1) Be a citizen of the United States;

(2) Be able to read, speak, and understand English;

(3) Be at least 18 years of age and have demonstrated an interest in working with the state court system; and

(4) Have no convictions for a felony or for a crime of moral turpitude and have no pending criminal charges, excluding minor traffic violations.

In addition, the prospective judicial volunteer shall be willing to:

(1) Participate in the judicial volunteer program for a minimum of two years;

(2) Participate in a screening interview;

(3) Participate in training as specified in this rule;

(4) Complete an application (Form PERS-23), which shall include at least three references who are able to attest to the prospective judicial volunteer's good character and judgment. The application will include information concerning any criminal history the applicant may have and the applicant's motor vehicle record; this information will be subject to verification. The information in the application will be used to assess the applicant's skills and interests in an effort to assist in the applicant's proper placement in the judicial volunteer program;

(5) Sign an acknowledgment (Form PERS-16) indicating that he or she has read and understands the Drug-Free Workplace Policy, after receiving a copy of the policy; and

(6) Meet any other qualifications specified by AOC, the presiding circuit judge, or the appointing judge or clerk.

Individuals who meet the qualifications in this section (D) shall not be discriminated against based upon gender, socioeconomic status, religion, race, disability, or age.

(E) *Training of prospective judicial volunteers.* Prospective judicial volunteers must complete an orientation session. The curriculum used at the orientation session shall be approved by AOC. If, for some reason, the prospective judicial volunteer is unable to attend a scheduled orientation session, the prospective judicial volunteer may be granted an extension, under the terms of which the prospective judicial volunteer will agree to attend an orientation session within one year of the orientation session he or she missed. The individual may serve as a judicial volunteer in a judicial volunteer program during this interim, provided the judicial volunteer has successfully completed the

program-specific training described below. If the prospective volunteer fails to complete the orientation session within the one-year period, the volunteer will be dropped from the program until such time as he or she completes the orientation session.

Following the successful completion of the volunteer orientation session, judicial volunteers must attend program-specific training in one or more of the areas that have been identified as most appropriate for them to serve in, based upon the prospective judicial volunteer's skills and needs and the needs of the UJS. The curriculum shall be approved by AOC. Successful completion of the program-specific training must occur before the judicial volunteer can serve in a specific judicial volunteer program.

(F) *Oath of confidentiality.* Judicial volunteers must take the following oath of confidentiality, and the oath must be signed by the judicial volunteer and verified by an Alabama circuit judge or a district judge in the circuit or county in which the volunteer will serve, or by an Alabama appellate judge:

"Oath of a Judicial Volunteer

"I, _____, do solemnly swear (or affirm) that I will support the Constitution of the State of Alabama; that, as a judicial volunteer, I will adhere to all pertinent rules and statutes, as explained to me, as they may apply to the courts of this state or any hearing, meeting, or committee to which I may be assigned or with which I may be involved. I will keep all matters coming before me in my capacity as a judicial volunteer confidential. I will not discuss, divulge, or reveal, directly or indirectly, to anyone any such matters; I will not refer to any party, family member, or witness in such a manner that the party, family member, or witness could reasonably be identified. I will faithfully, honestly, and impartially discharge the duties of a judicial volunteer to the best of my ability--so help me God."

(G) *Specific judicial volunteer programs.* The Judicial Volunteer Program includes an array of specific programs designed to meet the needs of the UJS, the public, and the judicial volunteers, including, but not limited to:

(1) JUVENILE CONFERENCE COMMITTEES. A juvenile court may elect to use judicial volunteers as members of the juvenile conference committees authorized by Rule 15.1, Alabama Rules of Juvenile Procedure, adopted by an order of the Supreme Court dated March 11, 1999.

(2) DISTRICT COURT MEDIATION. Judicial volunteers may be used as mediators in specified cases in the district court. Judicial volunteers selected to serve as mediators will adhere to the standards and qualifications already

established for entry into the Judicial Volunteer Program and must adhere to the statutes and the rules governing mediation in Alabama.

Program-specific training for the mediation program will consist of at least 20 hours of mediation instruction approved by AOC, which will include, among other things, instruction in role-playing.

Judges may choose whether to use the district court mediation program in their court.

[Added eff. 3-1-2000; Amended eff. 12-14-2007.]

Note from the reporter of decisions: The order adopting Rule 42, effective March 1, 2000, is published in that volume of *Alabama Reporter* that contains Alabama cases from 748 So.2d.

Note from the reporter of decisions: The order amending Rule 18, Appendix B to Rule 20, and Rule 42(E), effective December 14, 2007, is published in that volume of *Alabama Reporter* that contains Alabama cases from 972 So.2d.