

IN THE SUPREME COURT OF ALABAMA
November 8, 2019

ORDER

IT IS ORDERED that Rule 13, Alabama Rules of Judicial Administration, be amended to read in accordance with Appendix A to this order;

IT IS FURTHER ORDERED that the Committee Comments to the amendment to Rule 13 be adopted to read in accordance with Appendix B to this order;

IT IS FURTHER ORDERED that the amendment of Rule 13 and the adoption of the Committee Comments are effective immediately; and

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to the follow Rule 13:

"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."

Parker, C.J., and Bolin, Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, and Mitchell, JJ., concur.

Witness my hand this 8th day of November, 2019.



Clerk, Supreme Court of Alabama

FILED
November 8, 2019
11:23 am
Clerk
Supreme Court of Alabama

APPENDIX A

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.

APPENDIX B

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.