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## Trial Courts in Alabama | Need to Know

Alabama is divided into 41 judicial circuits with each judicial circuit comprised of a trial court of general jurisdiction, known as the circuit court, and a trial court(s) of limited jurisdiction, known as the district court. Alabama has 68 districts courts, one for each of its 67 counties and one in the Bessemer Division of Jefferson County.

The Alabama Constitution vests authority in the legislature, with the recommendation of the supreme court, to establish the number and boundaries of judicial circuits and districts, and the number of judges needed in each.

In total there are 252 judges (146 circuit court and 106 district court). There are no qualifications to become a judge other than experience as a licensed attorney in good standing:

- District Court | 4 or more years<sup>i</sup>
- Circuit Court | 7 or more years<sup>ii</sup>

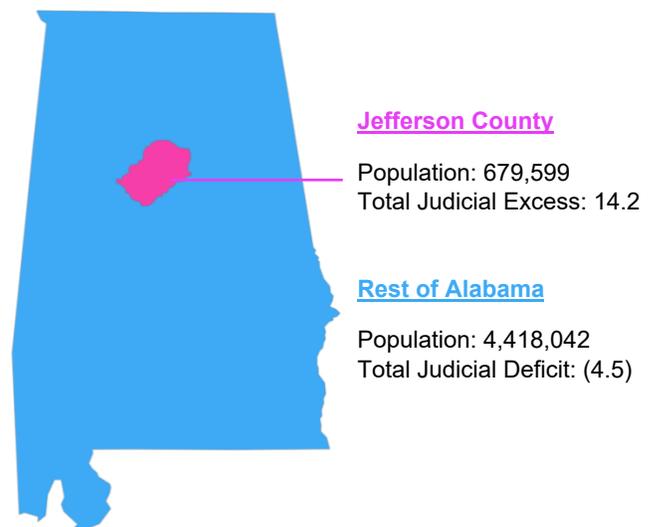
In this Policy Spotlight, ACES analysis combines circuit and district judges to determine total judges, total judicial need (surplus/deficit), as well as workload. For the 16 multi-county circuits, judges and workload were distributed based on proportionate population in the circuit.<sup>1</sup>

### Addressing Judicial Allocation

*The state of Alabama’s process for addressing judicial need by reallocating judgeships is currently inadequate. With big fluctuations in the need for judges over the last several years, the state should look at more flexible options to address immediate needs and a more comprehensive approach to address long-term trends. This Policy Spotlight looks at the current approach to determining judicial needs in the state and demonstrates the various problems with the current approach. It also presents policymakers with alternative variables and approaches for addressing future needs.*

Alabama has more judges than it needs. Based on the FY2022 report from the Alabama Judicial Reallocation Commission (JRC),<sup>2</sup> Jefferson County (10<sup>th</sup> Judicial Circuit) has a total **excess** of 14.2 FTE<sup>3</sup> across its circuit and district courts.<sup>4</sup> By contrast, the rest of the state **needs** 4.5 judges based on the most recent weighted caseload analysis. This results in a statewide surplus of 9.5 FTE judges. **See Figure 1.**

Figure 1 | Jefferson County has 14 more judges than its needs according to its weighted caseload.



In 2022, the JRC relocated one circuit judgeship – its only relocation to date – from Jefferson County to Madison County pursuant to its charge under state law. With the removal of that judgeship, the earliest another judgeship can be relocated from Jefferson County would be 2024.<sup>iii</sup> In a 2023 letter to the

<sup>1</sup> A better methodology would identify the actual number of cases filed in each county to determine specific county judicial need.

<sup>2</sup> Jefferson County is the only county in the state with two district courts.

<sup>3</sup> Full-Time Equivalent

<sup>4</sup> Alabama’s Judicial Reallocation Commission annually determines the judicial need in the state based on weighted caseload although Ala. Code 1975 § 12-9A-1(d) prescribes other factors to consider such as population and judicial duties.

Governor and the Legislature, the JRC recommended the Legislature create a total of 13 new judgeships to address the deficits faced in both circuits and districts. The cost for adding these judgeships is a total of \$5,350,000 per year.

Aside from Jefferson County, there are only two other judicial circuits that have a surplus over one FTE – Montgomery County and Walker County. This means five judicial circuits would still have at least one full FTE need, even if the JRC did not have to wait for a vacant seat to relocate a judgeship.<sup>5</sup>

Alabama faces a difficult proposition. More judges are not “needed”, but relocating judges is a difficult process. Could **redistricting** – the process of consolidating or shifting districts based on the already established geographical boundaries – help alleviate the disparities across the state?

**Redistricting without “moving” judgeships – A Case Study**

As presented in Scenarios One and Two below, large consolidation of circuits reduces the judicial deficit. However, once you begin to expand beyond the two-circuit approach, you cannot completely eliminate deficits in all locations.

**Scenario One – Balanced in Appearance**

As shown in **Figure 2**, creating a northern judicial circuit and a southern judicial circuit by dividing the state in half, the judicial needs balance across the state and eliminate judicial deficits.<sup>6</sup> This scenario presents logistical nightmares because of the collaboration required to facilitate as many as 147 judges, 33 District Attorneys, and their staffs across 32 counties. However, it does demonstrate how judges could be “reassigned” to help create balance.



Figure 2 | A two-circuit approach balances the needs of the counties.

**Northern Circuit**

Population: 3,051,468  
Total Judicial Surplus: .71

**Southern Circuit**

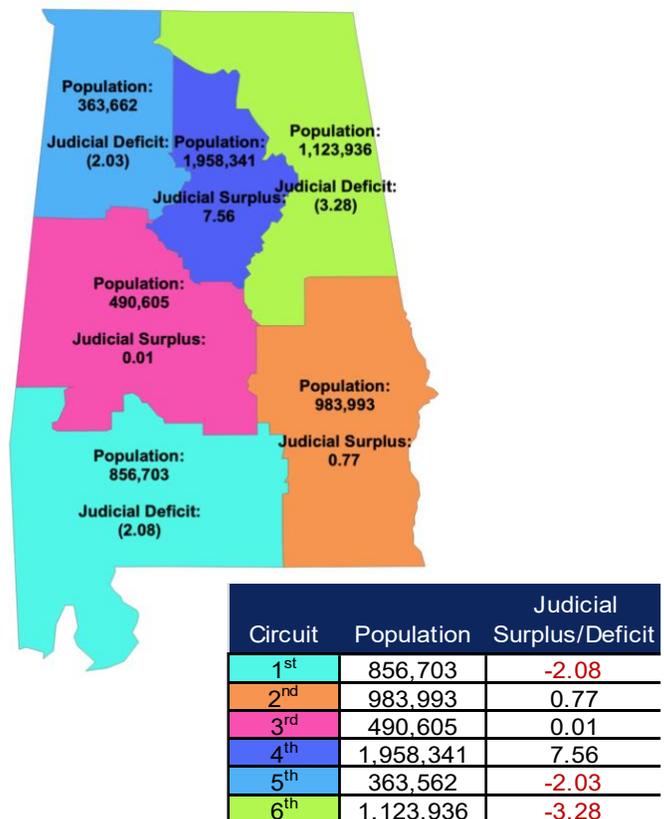
Population: 2,046,173  
Total Judicial Surplus: .26

If the Chief Justice of the Supreme Court of Alabama used this approach in determining how and when to **temporarily** “assign a circuit or district judge from a judicial circuit to serve within another judicial circuit”,<sup>iv</sup> it could be possible to address the needs around the state. Except that under the law that allows the Chief Justice to temporarily assign judges, Jefferson County is specifically excluded from having its judges temporarily assigned to another judicial circuit. Under that scenario, the northern half of the state faces a deficit of over 13 judges.

**Scenario Two – Super Judicial Circuits**

What if Jefferson County’s judges could be “reassigned”, but only to a more restricted area? Again, the needs of the state are unlikely to be met through redistricting alone. It becomes very difficult to balance the allocation of existing judges to smaller, yet still very large, super circuits. Even if the state created six *super* judicial circuits to share the judicial resources, the state would still need an additional seven judgeships to alleviate the deficits that exist. **See Figure 3.**

Figure 3 | A need for 7 additional judges still exists even when creating *super circuits* to spread the resources.



<sup>5</sup> A vacancy is described as an opening due to death, retirement, resignation, or removal from office. This means that when a judge simply chooses to not run for reelection, it is not considered a vacancy.

<sup>6</sup> In order to determine judicial need for the case study, overall need was calculated using the 83,850 minute value for all circuit judges.

These scenarios demonstrate that redistricting alone will not make the best use of Alabama’s judicial resources, but the state’s current approach to judicial reallocation is not meeting the needs of the state.

Is there a better approach to reallocation that can account for judicial need, as well as the logistics involved with moving or reassigning over 300 locally elected officials?

### Judicial Reapportionment – Considerations

What if the process of reallocating judgeships occurred like legislative reapportionment? Some states adopted similar approaches requiring the court system to realign judicial resources with judicial need on a recurring basis, often aligning with the decennial census.<sup>7</sup> While there is variation between each state, they all have 3 basic principles:

1. Timing – A realignment plan must be proposed within a specific period.
2. Recommendation – The Supreme Court or other body is tasked with developing a recommendation.
3. Adoption – The proposed realignment plan must be adopted or rejected by the Legislature.

While timing and adoption of reapportionment plans are nothing new, **what factors should be considered in developing a judicial realignment plan?** The following presents options and information that policymakers should consider when addressing judicial need.

#### Weighted Caseload

Weighted caseload studies are an “industry best practice” when it comes to determining judicial need in state courts. The National Center for State Courts regularly assists states in developing a methodology based on state-specific factors. That methodology can be employed to determine the number of judicial officers needed to address the cases filed in a judicial circuit. As previously discussed, state law requires the JRC to annually perform a weighted caseload study for each district and circuit court.

While it may be a “best practice”, weighted caseload alone is not without its limitations and challenges. A single year’s weighted caseload can fluctuate quite significantly. For example, Franklin County had almost 125% more caseload in 2022 than it did in

2019 – the two most recent studies produced by the JRC. This increase occurred while 80% of the state saw decreases in caseload and was almost completely because of two complex criminal cases involving over 1,000 charges.

To address the issue of a point-in-time analysis, we created an average weighted caseload for each judicial district based on the six years of available weighted caseload information. The average accounts for fluctuations in judicial workload, but provides a more accurate representation of long-term trends, and is influenced less by short-term changes.

An examination of the average weighted caseload shows that only nine judicial circuits are in persistent

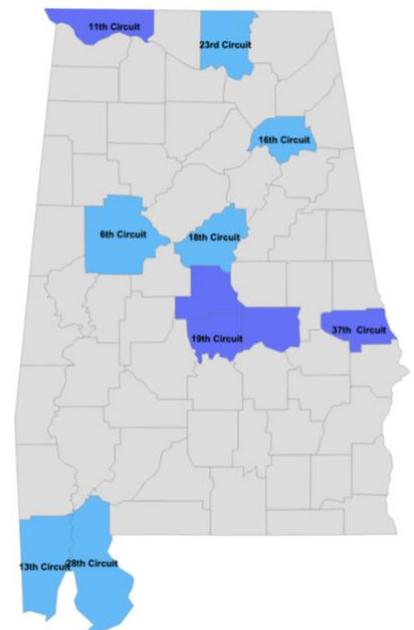


Figure 4 | Of the 9 circuits with a persistent need of judges; only the 11<sup>th</sup> Circuit, the 19<sup>th</sup> Circuit, and the 37<sup>th</sup> Circuit also had a greater need in 2022.

need of judges – defined as an average deficit greater than 1 FTE. **Figure 4** shows only three of the nine had a greater judicial need in 2022 than in 2014.

#### Population Changes

Shifts in population are another important variable to consider. Jefferson County has the number of judges it does, at least in part, due to its significant population compared to the rest of the state. Even with significant increases in population over the last decade, Madison and Baldwin counties combined remain smaller in population than Jefferson County.

When comparing the population of a county to the judicial workload, the size of the population has a significant effect. As county population increases, the workload in that county will increase by about 3.3 times the increase in population.<sup>v</sup> But year-over-year

<sup>7</sup> Florida, Iowa, Louisiana, Kentucky, Missouri, Texas

changes in a county's population do not correlate with year-over-year workload changes. These differences mean that long-term population changes should be considered when realigning resources.

When looking at Decennial Census numbers, Alabama's statewide population grew 5.1% from 2010 to 2020. However, only 14 counties outpaced the statewide growth and only 4 of those counties also experienced an increase in judicial need. See **Figure 5**.



Figure 5 | Of the 14 counties that outpaced the state in population growth, only four also increased in judicial need over the last 8 years.

### *Efficiency, Deficits, and Backlogs*

Another variable that Alabama's current weighted caseload design doesn't account for is efficiency of the courts. Alabama has performance metrics for how long it should take the courts to dispose of a case, known as Standards Relating to Delay Reduction.<sup>vi</sup> These standards provide guidance on expected timeframes for different types of cases and hearings to reach a final disposition. If courts aren't efficiently disposing of cases, it creates a backlog of cases in the circuit, or district, that cannot be accounted for by looking only at the number of new cases filed.

Likewise, weighted caseload doesn't consider the backlog of cases created when a judicial circuit operates with a deficit of resources for multiple years. The 19<sup>th</sup> Judicial Circuit consisting of Autauga, Chilton, and Elmore counties has averaged a total judicial deficit (circuit and district courts) of nearly 3 FTEs since 2014. For the 19<sup>th</sup> Circuit to not have a significant backlog of cases from a near decade of

resource deficits, the judges in that district would have to dispose of cases 50% faster than the typical judge in Alabama.

Understanding both the efficiency of its courts and the backlog of cases from failing to address judicial need are important factors to consider when determining how to reallocate judicial resources. Tracking these metrics would also help the Chief Justice of the Supreme Court to temporarily assign judges across areas of the state.

### *Magistrates and Referees*

Another way for the judicial system to manage its judicial workload in circuits is using magistrates and referees. In Alabama, referees may be appointed to hear child support cases pursuant to Title IV-D of the Social Security Act. Currently, circuits and districts across the state have 9 FTE referees. These referees reduce the judicial need among those circuits and districts accordingly. Alabama law also allows magistrates to handle misdemeanor criminal case functions, as well as issuing warrants.

Combined, these positions could be used to alleviate case backlogs, reduce judicial need, and provide meaningful access to the justice system. Alabama can better address judicial need across the state by increasing the use and availability of these judicial officers for ¼ the cost of adding judges.<sup>vii</sup>

### **Conclusion**

In order to accurately determine the judicial needs of the state and provide the appropriate resources, the Governor and the Legislature should consider the following recommendations:

***Develop a system of determining judicial need that accounts for trends in weighted caseload, population, and efficiency of the circuits and districts.***

***Remove the restriction from temporarily re-assigning judges from Jefferson County.***

***Increase the use of magistrates and referees in areas with judicial resource deficits.***

***Require development of a judicial reallocation plan on a recurring basis using the comprehensive approach of determining judicial need.***

## Alabama Counties Judicial Need and Population (2014 vs. 2022)

Circuit	County Name	Need/Population	2014	2022	Circuit	County Name	Need/Population	2014	2022
1st	Choctaw	Judicial Need	0.76	0.87	18th	Shelby	Judicial Need	(1.94)	(1.05)
		Population	13,317	12,308			Population	206,280	231,406
	Clarke	Judicial Need	0.39	0.79	19th	Autauga	Judicial Need	(0.95)	(0.95)
		Population	24,864	22,262			Population	54,893	60,074
	Washington	Judicial Need	0.58	0.84		Chilton	Judicial Need	(0.99)	(0.96)
		Population	16,868	14,731			Population	43,760	45,425
2nd	Butler	Judicial Need	0.07	0.12		Elmore	Judicial Need	(0.99)	(1.07)
		Population	20,327	18,481			Population	80,538	90,578
	Crenshaw	Judicial Need	0.43	0.60	20th	Henry	Judicial Need	0.08	0.22
		Population	13,851	12,981			Population	17,079	17,098
	Lowndes	Judicial Need	0.55	0.49		Houston	Judicial Need	(1.03)	(0.88)
		Population	10,494	10,014			Population	104,158	108,900
3rd	Barbour	Judicial Need	0.20	0.06	21st	Escambia	Judicial Need	(0.15)	0.16
		Population	26,755	24,554			Population	37,735	36,289
	Bullock	Judicial Need	0.73	0.72	22nd	Covington	Judicial Need	0.39	0.74
		Population	10,663	10,189			Population	37,760	37,510
4th	Bibb	Judicial Need	0.11	0.19	23rd	Madison	Judicial Need	(4.53)	(2.39)
		Population	22,553	22,107			Population	349,796	404,155
	Dallas	Judicial Need	(0.40)	0.12	24th	Fayette	Judicial Need	0.40	0.40
		Population	41,554	36,854			Population	16,772	16,045
	Hale	Judicial Need	0.51	0.59		Lamar	Judicial Need	0.48	0.35
		Population	15,046	14,491			Population	14,067	13,795
	Perry	Judicial Need	0.70	0.84		Pickens	Judicial Need	0.23	0.25
		Population	9,801	7,887			Population	20,272	18,937
	Wilcox	Judicial Need	0.67	0.76	25th	Marion	Judicial Need	(0.24)	(0.49)
		Population	10,946	10,279			Population	30,199	28,909
5th	Chambers	Judicial Need	(1.17)	(0.51)		Winston	Judicial Need	0.37	0.00
		Population	33,977	34,940			Population	24,139	23,258
	Macon	Judicial Need	0.09	0.47	26th	Russell	Judicial Need	0.58	0.76
		Population	19,641	18,956			Population	59,224	61,055
	Randolph	Judicial Need	0.03	0.29	27th	Marshall	Judicial Need	(0.42)	0.05
		Population	22,353	21,682			Population	94,257	98,989
	Tallapoosa	Judicial Need	(1.05)	(0.23)	28th	Baldwin	Judicial Need	(4.71)	(4.01)
		Population	40,884	41,221			Population	199,183	246,617
6th	Tuscaloosa	Judicial Need	(2.88)	(2.15)	29th	Talladega	Judicial Need	(0.49)	0.55
		Population	203,086	236,750			Population	81,512	82,107
7th	Calhoun	Judicial Need	(0.20)	(0.62)	30th	St. Clair	Judicial Need	0.06	(0.36)
		Population	115,917	115,802			Population	85,996	93,356
	Cleburne	Judicial Need	0.18	(0.29)	31st	Colbert	Judicial Need	(0.14)	0.03
		Population	15,026	15,080			Population	54,462	58,067
8th	Morgan	Judicial Need	(0.90)	(0.52)	32nd	Cullman	Judicial Need	(0.85)	(0.89)
		Population	119,444	124,600			Population	81,068	90,104
9th	Cherokee	Judicial Need	0.15	0.08	33rd	Dale	Judicial Need	0.60	0.79
		Population	25,895	24,665			Population	49,414	49,050
	DeKalb	Judicial Need	(0.34)	(1.18)		Geneva	Judicial Need	0.03	0.16
		Population	70,993	71,758			Population	26,593	26,620
10th	Jefferson	Judicial Need	5.98	14.21	34th	Franklin	Judicial Need	(0.44)	(1.25)
		Population	1,319,944	1,359,198			Population	31,559	32,236
11th	Lauderdale	Judicial Need	(1.86)	(2.07)	35th	Conecuh	Judicial Need	0.55	0.74
		Population	93,000	93,822			Population	12,677	11,108
12th	Coffee	Judicial Need	(0.23)	0.34		Monroe	Judicial Need	0.35	0.65
		Population	50,657	54,521			Population	21,926	18,782
	Pike	Judicial Need	0.41	0.38	36th	Lawrence	Judicial Need	0.05	0.04
		Population	33,199	33,042			Population	33,444	32,692
13th	Mobile	Judicial Need	(5.31)	(2.35)	37th	Lee	Judicial Need	(0.59)	(1.73)
		Population	414,149	415,355			Population	154,511	184,438
14th	Walker	Judicial Need	1.09	1.83	38th	Jackson	Judicial Need	(0.35)	(0.00)
		Population	65,338	64,838			Population	52,562	52,384
15th	Montgomery	Judicial Need	(0.96)	2.38	39th	Limestone	Judicial Need	(0.12)	0.20
		Population	227,551	228,831			Population	90,599	109,807
16th	Etowah	Judicial Need	(1.47)	(0.06)	40th	Clay	Judicial Need	0.88	0.85
		Population	103,399	103,139			Population	13,441	14,326
17th	Greene	Judicial Need	0.45	0.79		Coosa	Judicial Need	0.81	0.85
		Population	8,584	7,334			Population	11,037	10,042
	Marengo	Judicial Need	0.33	0.56	41st	Blount	Judicial Need	(0.78)	(1.29)
		Population	19,986	18,813			Population	57,526	59,677
	Sumter	Judicial Need	0.75	0.87	* (#,##) indicates a judicial need				
		Population	13,270	11,919	** U.S. Census Bureau. American Community Survey. (Population)				

## References and Citations

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i Ala. Code 1975 § 12-12-1

ii § 12-11-1

iii § 12-9A-1(d)

iv § 12-9A-8

v County Workload to Population Regression Model

**P-value:** < 0.0001

**Equation:** Workload = 3.30119\*Population + -14554.6

**R-Squared:** 0.927689

vi [AL R DELAY REDUCTION Standards I-IV](#)

vii [House Bill 43, Regular Session of the Alabama Legislature, Fiscal Note.](#)