

Ch. 5 on 11/11/12
Mo. 1 2013

IN THE SUPREME COURT OF ALABAMA
ADMINISTRATIVE ORDER

WHEREAS, pursuant to Article VI, Section 149, of the Constitution of Alabama, the Chief Justice of the Supreme Court of Alabama is the administrative head of the judicial system; and

WHEREAS, pursuant to §12-2-30(b)(7), Ala. Code 1975, the Chief Justice is authorized and empowered to "take affirmative and appropriate action to correct or alleviate any condition or situation adversely affecting the administration of justice within the state"; and

WHEREAS, a fully-staffed, adequately-funded judiciary, capable of timely and accurate delivery of justice, is an essential component of any civil government or system of ordered liberty; and

WHEREAS, the chronic and substantial lack of adequate funding of the Judicial Branch has resulted in myriad problems such as a net loss of 498 employees since 2001 (most prominently in the court clerks' offices and the juvenile probation offices), a hiring freeze, a suspension of merit raises for all court employees since 2008, and an inability to retain or replace key judicial system employees; and

WHEREAS, a \$25 million reduction of the Fiscal Year 2013 Judicial System General Fund budget was premised on the projected compensation from the Judicial Administrative Fund, codified at §12-19-310, Ala. Code 1975, but said fund appears likely to generate approximately \$13 million dollars less than anticipated for Fiscal Year 2013 and beyond; and

WHEREAS, the Judiciary anticipates over \$3.5 million in mandated, yet unfunded, Fiscal Year 2014 costs primarily for increases to employees' health care; and

WHEREAS, the proposed General Fund appropriation for the court system in Fiscal Year 2014, estimated to be at least \$16.5 million less than needed, further exacerbates the fragility of court system operations; and

WHEREAS, more than a decade of budget reductions, and resulting personnel losses have left the Court Clerks' offices throughout the state staffed at approximately 50% of the levels required for effective judicial operations; and

WHEREAS, a great deal of essential work in the Circuit Clerks' offices must be done when employees are not serving the general public, and without some provision for this essential work to be accomplished, Clerks will not be able to adequately and timely perform their constitutional duties; and

WHEREAS, extraordinary measures are needed in order to operate under the anticipated budget shortfall forecast for the remainder of Fiscal Year 2013, and, again, for Fiscal Year 2014; and

WHEREAS, the Administrative Office of Courts has been contacted by a great majority of the Circuit Clerks of this state requesting assistance regarding their administrative duties; and

WHEREAS, former Chief Justice Sue Bell Cobb, in response to significant but less dire under-funding during her administration, issued a July 25, 2011 order permitting clerks' office closings;

IT IS THEREFORE ORDERED AND DIRECTED, THAT:

1. Effective March 20, 2013, the Circuit and District Clerks' Office in each judicial circuit of the state shall be closed to the general public on Wednesday of each week, absent objection and request to this Office for exemption by the Presiding Judge of the Circuit.

2. The Circuit and District Clerks shall also give notice of office closing to the general public and the members of the bar that regularly practice in the county, counties, or circuit, in such manner as will reach the greatest number of persons affected. Notice shall include prominent postings inside and outside the Court Clerk's office, as well as the effective date closing will commence.

3. Notwithstanding the closing of a Clerk's office to the general public, the work hours for that office's staff shall not be altered, but all staff-members shall continue to begin and end their work days at the usual times, and shall perform those duties and tasks that are required.

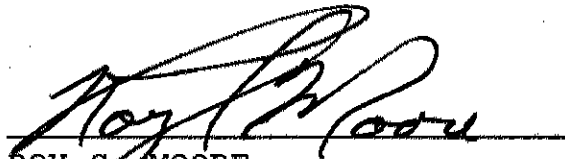
4. When Clerks' offices are closed pursuant to this Administrative Order, Rule 5(D) of the Alabama Rules of Judicial Administration shall apply.

5. Circuit and District Clerks shall establish a drop-box or similar device for receiving, recording, and documenting receipt of any time-sensitive filings, pleadings and documents which are received at the office when it is closed to the public.

6. Provisions shall be made in each circuit for the timely processing of true emergency matters, e.g., applications for arrest warrants, search warrants, Petitions for Protection from Abuse, Temporary Restraining Orders,

etc., that are required when the office is closed to the general public, pursuant to this Administrative Order.

DONE on this 6th day of March, 2013.

A handwritten signature in black ink, appearing to read "Roy S. Moore", is written over a horizontal line.

ROY S. MOORE
CHIEF JUSTICE