1   HB66

2   105251-1

3   By Representative DeMarco

4   RFD: Judiciary

5   First Read: 03-FEB-09

6   PFD: 01/05/2009

1   105251-1:n:12/05/2008:MCS/tan LRS2008-4803

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8   SYNOPSIS: Currently, persons serving on the Supreme

9   Court, Court of Civil Appeals, Court of Criminal

10   Appeals, or as a circuit court judge or a district

11   court judge must be licensed to practice law in

12   Alabama.

13   This bill would require that persons elected

14   or appointed to serve on the Supreme Court, Court

15   of Civil Appeals, and Court of Criminal Appeals

16   must additionally have a combined total of 10 years

17   or more of licensure to practice law. Persons

18   serving as a circuit court judge would additionally

19   be required to have a combined total of five years

20   of licensure to practice law. Persons serving as a

21   district court judge would additionally be required

22   to have a combined total of three years of

23   licensure to practice law.

24

25   A BILL

26   TO BE ENTITLED

27   AN ACT

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2   To amend Sections 12-2-1, 12-3-1, 12-11-1, and

3   12-12-1, Code of Alabama 1975, relating to the qualifications

4   of persons serving as Justices on the Supreme Court, Court of

5   Civil Appeals, and Court of Criminal Appeals, and as circuit

6   court judges and district court judges; to provide further for

7   minimum times of licensure to practice law as a qualification

8   of office.

9   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10   Section 1. Sections 12-2-1, 12-3-1, 12-11-1, and

11   12-12-1, Code of Alabama 1975, are amended to read as follows:

12   "§12-2-1.

13   "(a) The Supreme Court, except as otherwise

14   provided, shall consist of a chief justice and eight associate

15   justices, who shall be elected by the qualified electors of

16   the state at the general elections as provided by law for the

17   election of members of the House of Representatives in

18   Congress and who shall hold their offices for the term of six

19   years from the first Monday after the second Tuesday in

20   January next succeeding their election and until their

21   successors are elected and qualified. Subject to the

22   provisions of the Constitution respecting filling of vacancies

23   in judicial offices, members of the Supreme Court shall be

24   elected as follows: The Chief Justice and three associate

25   justices shall be elected at the general election in November,

26   1976, two associate justices shall be elected at the general

27   election in November, 1978, and three associate justices shall

1   be elected at the general election in November, 1980.

2   Thereafter members of the Supreme Court shall be elected in

3   the general election next preceding the expiration of the

4   respective term for which the incumbent holds office.

5   "(b) Persons elected to the Supreme Court, or

6   appointed to fill a vacant term of office on the Supreme

7   Court, after January 1, 2010, must have been licensed by the

8   Alabama State Bar Association a combined total of 10 years or

9   more, or by any other state bar association for a combined

10   total of 10 years or more, prior to beginning a term of office

11   or appointment to serve a vacant term of office.

12   "§12-3-1.

13   "A Court of Criminal Appeals and a Court of Civil

14   Appeals, each composed of five judges, possessing the

15   qualifications of the supreme court justices, including, but

16   not limited to, the qualifications provided in subsection (b)

17   of Section 12-2-1, are hereby created and established.

18   "§12-11-1.

19   "(a) There is provided in every county in the state

20   a circuit court with all the jurisdiction and powers that are

21   conferred on the circuit court by the Constitution and laws of

22   this state.

23   "(b) Persons elected to or appointed to a circuit

24   court judgeship after January 1, 2010, must have been licensed

25   by the Alabama State Bar Association a combined total of five

26   years or more, or by any other state bar association for a

27   combined total of five years or more, prior to beginning a

1 term of office or appointment to serve a vacant term of

2 office.

3   "§12-12-1.

4   "(a) The district court of Alabama, a trial court of

5 limited jurisdiction, is created and established, effective

6 January 16, 1977, and shall be subdivided according to

7 districts and styled the district court of the county. Persons

8 elected or appointed to a district court judgeship after

9 January 1, 2010, must have been licensed by the Alabama State

10 Bar Association a combined total of three years or more, or by

11 any other state bar association for a combined total of three

12 years or more, prior to beginning a term of office or

13 appointment to serve a vacant term of office.

14   "(b) Sessions of the district court shall be held in

15 each county seat, each municipality containing a population of

16 1,000 or more where no municipal court exists, to be

17 restricted to municipal cases, and at other locations within

18 counties in which geographical venue, as described in Section

19 12-12-36, lies in more than one place.

20   "(c) All courts which are not authorized by Article

21 6 of the Constitution shall retain their power through January

22 15, 1977, at which time they shall be abolished. Judgments of

23 courts which cease to exist at the end of that day shall

24 continue in effect, and the courts of the unified system are

25 vested with jurisdiction to enforce such judgments.

26   "All cases then pending in courts which cease to

27 exist shall be transferred to the appropriate district or

1   circuit court. Cases which could be filed in district court

2   under the provisions of this chapter shall be transferred to

3   the district court; provided, that any case containing a

4   demand for a jury trial filed before January 15, 1977, which

5   could have been granted in the court where filed, shall be

6   transferred to the appropriate circuit court."

7   Section 2. This act shall become effective January

8   1, 2010, following its passage and approval by the Governor,

9   or its otherwise becoming law.