

1 SB408
2 199613-2
3 By Senator Givhan
4 RFD: Judiciary
5 First Read: 14-MAY-19

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8 SYNOPSIS: Under existing law, a person seeking
9 election or appointment to a circuit court
10 judgeship in the state must have been licensed by
11 the Alabama State Bar Association for a total of
12 five years and a person seeking election or
13 appointment to a district court judgeship must have
14 been licensed by the Alabama State Bar Association
15 for a total of three years.

16 This bill would require a candidate to be
17 admitted to practice law by this state or by
18 another state for a circuit court judgeship for a
19 total of 10 years and to be admitted to practice
20 law by this state or by another state for a
21 district court judgeship for a total of five years.

22 This bill would also prohibit a person who
23 has been suspended or disbarred by any state or
24 state bar association within the 10 years preceding
25 election or appointment from qualification for a
26 circuit court or district court judgeship.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To amend Sections 12-11-1 and 12-12-1, Code of
6 Alabama 1975, relating to the qualifications for serving as a
7 circuit court judge or a district court judge; to further
8 provide for the minimum times of state licensure to practice
9 law; and to prohibit persons with certain professional
10 disciplinary actions from qualification.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 12-11-1 and 12-12-1, Code of
13 Alabama 1975, are amended to read as follows:

14 "§12-11-1.

15 "(a) There is provided in every county in the state
16 a circuit court with all the jurisdiction and powers that are
17 conferred on the circuit court by the Constitution and laws of
18 this state.

19 "(b) Persons elected to or appointed to a circuit
20 court judgeship ~~after January 1, 2010,~~ must have been licensed
21 ~~by the Alabama State Bar Association~~ admitted to practice law
22 in this state a combined total of ~~five~~ 10 years or more, or
23 admitted to practice law by any other state ~~bar association~~
24 for a combined total of ~~five~~ 10 years or more, prior to
25 beginning a term of office or appointment to serve a vacant
26 term of office. In addition, the person must not have received
27 from any state or state bar association a suspension or

1 disbarment within the 10 years preceding election or
2 appointment.

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~~ admitted to practice law in this state a
11 combined total of ~~three~~ five years or more, or admitted to
12 practice law by any other state ~~bar association~~ for a combined
13 total of ~~three~~ five years or more, prior to beginning a term
14 of office or appointment to serve a vacant term of office. In
15 addition, the person must not have received from any state or
16 state bar association a suspension or disbarment within the 10
17 years preceding election or appointment.

18 "(b) Sessions of the district court shall be held in
19 each county seat, each municipality containing a population of
20 1,000 or more where no municipal court exists, to be
21 restricted to municipal cases, and at other locations within
22 counties in which geographical venue, as described in Section
23 12-12-36, lies in more than one place.

24 "(c) (1) All courts which are not authorized by
25 Article 6 of the Constitution shall retain their power through
26 January 15, 1977, at which time they shall be abolished.
27 Judgments of courts which cease to exist at the end of that

1 day shall continue in effect, and the courts of the unified
2 system are vested with jurisdiction to enforce such judgments.

3 "(2) All cases then pending in courts which cease to
4 exist shall be transferred to the appropriate district or
5 circuit court. Cases which could be filed in district court
6 under the provisions of this chapter shall be transferred to
7 the district court; provided, that any case containing a
8 demand for a jury trial filed before January 15, 1977, which
9 could have been granted in the court where filed, shall be
10 transferred to the appropriate circuit court."

11 Section 2. This act shall become effective January
12 1, 2020, following its passage and approval by the Governor,
13 or its otherwise becoming law.