

ALABAMA'S COURT SYSTEM

Alabama's courts operate as a unified judicial system. This unified court system is administered by the Chief Justice of the Supreme Court of Alabama and by the Administrative Director of Courts who is appointed by the chief justice. The Administrative Director of Courts oversees the Administrative Office of Courts. This office provides essential services to Alabama's trial courts across the state.

ALABAMA'S COURTS

Alabama's courts provide three levels of jurisdiction:

1. Courts of limited jurisdiction;
2. Courts of general jurisdiction; and
3. Courts of appellate jurisdiction.

COURTS OF LIMITED JURISDICTION

Courts of limited jurisdiction include municipal courts, probate courts, small claims courts, district courts, and juvenile courts. Alabama's 67 counties are divided into 41 separate judicial circuits. While some of Alabama's judicial circuits may consist of more than one county, courts of limited jurisdiction are found in each county. Most Alabama cities also have municipal courts.

1. *Municipal courts* have jurisdiction over violations of municipal ordinances and criminal misdemeanor offenses occurring within the city's police jurisdiction. Municipal courts are located in the Alabama's cities that have established such a court.

2. *Probate courts* have jurisdiction over matters dealing with wills, estates, real property, mental illness, and adoption. Each county has a probate court.

3. *Small Claims courts* have jurisdiction over civil matters where the amount in controversy does not exceed \$3,000. You may represent yourself in this court. Each county has a small claims court.

4. *District courts* have jurisdiction over criminal misdemeanor offenses and the preliminary hearings held in felony prosecutions. District courts also have jurisdiction in civil matters where the amount in controversy exceeds \$3,000, but does not exceed \$10,000. Each county has a district court.

5. *Juvenile courts* have jurisdiction over both civil and criminal matters involving those under the age of 18, including actions where a child is alleged to be delinquent, dependent or in need of supervision. These legal proceedings are considered confidential. Each county has a juvenile court.

COURTS OF GENERAL JURISDICTION

Alabama's circuit courts have general jurisdiction over the majority of legal matters. Circuit courts have jurisdiction over all criminal matters involving felony prosecutions. Circuit courts may also exercise jurisdiction over legal matters filed in Alabama's district and juvenile courts, and in matters where the amount in controversy exceeds \$3,000.

Circuit courts have exclusive jurisdiction over matters where the amount in controversy exceeds \$10,000. Circuit courts also have appellate jurisdiction over certain legal matters that may be appealed directly to the circuit court from the courts of limited jurisdiction.

Each of Alabama's 67 counties has a circuit court. Each judicial circuit (consisting of one or more Alabama counties) also has a presiding judge who exercises general supervision of the courts in his or her circuit.

COURTS OF APPELLATE JURISDICTION

Alabama's courts of appellate jurisdiction are divided into three separate courts: the Court of Civil Appeals, the Court of Criminal Appeals and the Supreme Court of Alabama. The appellate courts normally review legal matters for error only after being decided by one of the lower courts of limited or general jurisdiction. Alabama's appellate courts are located in the Heflin-Torbert Judicial Building in Alabama's capital city, Montgomery, at 300 Dexter Avenue.

1. **The Court of Civil Appeals** consists of five judges and has jurisdiction in civil appeals where the amount in controversy may not exceed \$50,000. This court also considers matters appealed from certain state administrative agencies including decisions relating to workers' compensation. In appeals from court decisions regarding domestic relations, this court considers matters including annulment, divorce, alimony, child support, adoption, and child custody.

2. **The Court of Criminal Appeals** consists of five judges. This court considers all appeals from misdemeanor and felony trials or convictions. These appeals may even include appeals from decisions reached by Alabama's municipal courts.

3. **The Supreme Court of Alabama** consists of a chief justice and eight associate justices. As Alabama's highest court, the Supreme Court of Alabama has authority to review the decisions

reached by Alabama's lower courts. This court also has authority to review legal matters where the amount in controversy exceeds \$50,000 and where no other court in Alabama has jurisdiction.

The chief justice of the Supreme Court of Alabama also has administrative authority over Alabama's Unified Judicial System. In addition, the Supreme Court of Alabama may make rules governing the administration, practice and procedures for Alabama's courts.

WHERE ARE ALABAMA'S COURTS?

Alabama's municipal courts are located within a city's police jurisdiction. Not all cities have such courts.

Alabama's probate, small claims, district, juvenile, and circuit courts are located in each county. These courts are normally found in the county's courthouse, located in the county seat.

WHO ARE ALABAMA'S JUDGES?

Alabama's small claims, district, juvenile and circuit court judges, and Alabama's appellate court judges and justices must be attorneys licensed to practice law in Alabama. This requirement does not apply to Alabama's probate judges. All of Alabama's judges and justices currently are elected and hold office for a period of six years. While judicial vacancies are normally filled by the appointment of the Governor, the appointed judge or justice must thereafter be elected to hold office.

WHO ARE ALABAMA'S COURT CLERKS?

Alabama's counties have a court clerk. The court clerk in each Alabama county is an elected official and the custodian of the many documents filed in court each day. Lawsuits and other court documents are filed in the office of the court clerk. Each clerk has many other duties, responsibilities and authorities necessary for the day-to-day operation of Alabama's court system. Alabama's municipal and appellate courts also have clerks.

DO YOU NEED A LAWYER?

If you need a lawyer and do not know a lawyer to contact, you may contact a lawyer referral service, or you may contact the Alabama State Bar's Lawyer Referral Service by e-mail at lrs@alabar.org, or by calling 800-392-5660.

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WHAT ARE OTHER METHODS FOR RESOLVING DISPUTES?

Parties in conflict may decide they want to resolve their dispute before they file a claim in court, or if they have already filed a lawsuit, before they go before a judge or jury. This is called alternative dispute resolution (ADR) because the method used to resolve the dispute is an alternative to litigation.

MEDIATION

One of the most popular alternative methods of dispute resolution is mediation. Mediation is an informal process during which an unbiased third party, the mediator, assists parties in reaching a mutually acceptable agreement resolving their dispute. The mediation session is intended to identify pertinent issues, clarify misunderstandings, explore solutions and work out an agreement that is written and signed by the parties. The mediator does not make a decision for the parties, but helps them decide what is best for them.

ARBITRATION

Arbitration, another common alternative to litigation, is usually established as the method of dispute resolution in a consumer or business contract before any conflict arises. A clause in the contract requires that parties agree to resolve any future dispute in arbitration, rather than in court before a judge or jury. Arbitration agreements are found in contracts with banks, financial service providers, credit card companies, home builders, brokers, insurance companies, and automobile and manufactured home dealers. During arbitration, each party presents his or her case to an unbiased third party, the arbitrator, and has a chance to listen to and question the other party's witnesses. After both parties are finished, the arbitrator makes a decision for the parties, much as a judge.

For more information about mediation or arbitration, you may visit <http://www.alabamadr.org>, or call the Alabama Center for Dispute Resolution at (334) 269-0409.

WHAT IF YOU CANNOT AFFORD A LAWYER?

If you are charged with a crime and cannot afford a lawyer, you must make the court aware of that fact. After applying the law to your financial circumstances,

the judge may appoint an attorney to represent you. You must be provided one in certain criminal cases.

In non-criminal matters, the court may be able to provide you with an attorney through a volunteer lawyers program or through Legal Services Alabama at <http://www.alabamalegalhelp.org>. You also may contact the Alabama State Bar at <http://www.alabar.org> or by calling (334) 269-1515.

HOW ARE LAWYERS DISCIPLINED?

In Alabama, a lawyer's professional conduct is governed by the *Alabama Rules of Professional Conduct and Rules of Disciplinary Procedure*. After a complaint is filed and a review by the Alabama State Bar is completed, the lawyer's conduct may be further reviewed by the Disciplinary Board of the Alabama State Bar, and if justified, it may result in his or her being disciplined.

HOW ARE JUDGES DISCIPLINED?

The Alabama constitution creates both the Judicial Inquiry Commission and the Court of the Judiciary. The Commission may receive, initiate and investigate complaints concerning any judge of a court of Alabama's Unified Judicial System. After review by the Commission, any resulting complaint may be heard and decided by the Court of the Judiciary.

WHERE CAN YOU GET MORE INFORMATION ABOUT ALABAMA'S COURTS?

If you require additional information regarding Alabama's Unified Judicial System, you may contact the Alabama State Bar at <http://www.alabar.org> or by calling (334) 269-1515. You also may contact the Alabama Administrative Office of Courts at <http://www.alacourt.gov>.

The material in this pamphlet represents general information concerning Alabama's courts. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.

This pamphlet is published by the Alabama State Bar as a public service. Copies of this pamphlet and others are available upon request and can be located on the Alabama State Bar's website at <http://www.alabar.org/brochures>.

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