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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Randall L. Cole
Presiding Circuit Judge
Ninth Judicial Circuit
300 Grand Avenue South, Suite 403
Fort Payne, Alabama 35967

Law Library – Courts – Funds – Internet –
DeKalb County

Law library funds may be used to install
and maintain wireless Internet in the
courthouse under section 11-25-13(a)(9) of
the Code of Alabama.

Dear Judge Cole:

This opinion of the Attorney General is issued in response to your
request.

QUESTION

May DeKalb County's Law Library Fund be used
to install and maintain wireless Internet in the
courthouse under section 11-25-13(a)(9) of the Code of
Alabama?

FACTS AND ANALYSIS

Your request states as follows:

All filings, except juvenile cases, are, by order
of the Alabama Supreme Court, now made and
maintained electronically. Paper files are no longer
maintained by the circuit clerk. When attorneys are in
court and need to view pleadings, the only way to do so
is to access Alacourt via the Internet. On days of
criminal arraignments when attorneys are asked to meet

with defendants to discuss charges and enter pleas, the attorneys, without access to Alacourt, are unable to review the indictment or other materials in the case. There is no Internet service available to attorneys in the courthouse other than what may be available through the use of cell phones. Such access is cumbersome, expensive, and unreliable.

County law libraries are established pursuant to section 11-25-1, *et seq.*, of the Code of Alabama. ALA. CODE §§ 11-25-1 to 11-25-13 (2008 & Supp. 2012). This Office has explained the county law library provisions as follows:

[S]ection [11-25-1] gives the county the authority to appropriate funds necessary for the establishment, maintenance, and support of the county law library. In addition, section 11-25-8 allows county law libraries to furnish materials, books, and copies to county officials and circuit, probate, and district court officials at no cost. ALA. CODE § 11-25-8 (2008). The presiding circuit judge administers the county law library and disburses the funds. ALA. CODE § 11-25-6 (2008).

Opinion to Honorable Charles A. Graddick, Presiding Judge, 13th Judicial Circuit, dated March 26, 2009, A.G. No. 2009-057 at 2.

Previous opinions of this Office relied on section 11-25-8 in determining the proper use of law library funds. *Graddick*; opinions to Honorable Scott Donaldson, Presiding Circuit Judge, Sixth Judicial Circuit, dated August 2, 2005, A.G. No. 2005-169; Honorable L. Scott Coogler, Circuit Court Judge, Tuscaloosa County, dated February 27, 2001, A.G. No. 2001-103; Honorable Claude Harris, Jr., Circuit Court Judge, Sixth Judicial Circuit, dated December 9, 1980, A.G. No. 81-00121. Act 2009-641, however, added section 11-25-13, specifically providing for disposition of the funds. 2009 Ala. Acts No. 2009-641, 1973.

Section 11-25-13(a) sets forth a list of purposes for which the funds may be expended. ALA. CODE § 11-25-13(a) (Supp. 2012). You ask about section 11-25-13(a)(9), which states as follows: “Other expenses as determined necessary by the presiding circuit court judge to promote the efficient *administration of justice.*” ALA. CODE § 11-25-13(a)(9) (Supp. 2012) (emphasis added). This language tracks local acts providing for law library funds and a Court Administration Fund that authorize the presiding circuit judge to expend monies “for the more effective administration of justice.” *E.g.*, 1985 Ala. Acts

No. 85-684, 1097; 1979 Ala. Acts No. 79-406, 628. Thus, opinions of this Office on the proper use of these funds are analogous to the proper use of law library funds under section 11-25-1, *et seq.*, of the Code.

This Office has concluded that money in the Court Administration Fund for the Thirteenth Judicial Circuit may be used for a computer for the court administrator, security equipment in the courtroom, Westlaw, video equipment to be used in court, and coffee for jurors. Opinions to Honorable Ferrill D. McRae, Presiding Judge, Thirteenth Judicial Circuit, dated July 22, 1985, A.G. No. 85-00444; Honorable Ferrill D. McRae, Circuit Judge, Thirteenth Judicial Circuit, dated July 9, 1985, A.G. No. 85-00433; Honorable Robert E. Hodnette, Jr., Presiding Judge, Thirteenth Judicial Circuit, dated April 5, 1985, A.G. No. 85-00279; Honorable Robert E. Hodnette, Jr., Presiding Judge, Thirteenth Judicial Circuit, dated February 15, 1985, A.G. No. 85-00217. Consistent with these opinions, DeKalb County's Law Library Fund may be used to install and maintain wireless Internet in the courthouse.

CONCLUSION

Law library funds may be used to install and maintain wireless Internet in the courthouse under section 11-25-13(a)(9) of the Code.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Ward Beeson of my staff.

Sincerely,

LUTHER STRANGE

Attorney General

By:



BRENDA F. SMITH

Chief, Opinions Division

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