



Architectural rendering of the new Retirement Systems of Alabama building



KEITH B. NORMAN

New Neighbors

Fifteen years ago, the former Judicial Building at 445 Dexter Avenue was vacated by the Alabama Supreme Court, the Court of Criminal Appeals and the State Law Library. As many will recall, the Court of Civil Appeals and the Administrative Office of Courts (AOC) had been located in alternate locations prior to joining the other two courts and the library in the new building at 300 Dexter Avenue. Since the opening of the New Judicial Building (NJB) in 1993, the Old Judicial Building (OJB) has sat empty, quietly deteriorating.

The origins of the OJB are interesting. The building was designed by Hyman Wallace Whitcover and built in 1926 as a Scottish Rite Temple. When the Great Depression struck a few years later, financial difficulties forced the Masons to abandon the building which the state later purchased in 1938 and remodeled for the Judicial Department. In addition to the law library and the appellate courts of Alabama, the Alabama Attorney General's Office was also located in the building when it reopened in 1940. The creation of separate intermediate appellate courts and the need for more space eventually resulted in the court of civil appeals and the attorney general relocating to offices away from the OJB.

Efforts to replace the judicial building began in the mid-1960s. By that time, the old building had already outlived its useful life. The building had numerous leaks, was full of asbestos and became difficult to heat and cool. It was impractical as an office building because it was never intended to serve that purpose. (I worked in the OJB from 1982-1984 as staff attorney for Justice Hugh Maddox. Based on the two years I spent there, I can say that the building was probably not worth salvaging.) After many years of cajoling and persuasion by Howell Heflin, Bo Torbert and others, a Judicial Building Authority was created by the legislature in 1986, securing the new building's construction.¹

EXECUTIVE DIRECTOR'S REPORT

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Because the OJB is next door to the state bar building, state bar officers have had an abiding interest in the building's fate. Since becoming vacant, many discussions by many groups have ensued about saving the building. I have participated in some of those discussions which at different times have included city and state officials, historical and preservation groups, architects, local foundations, and others. In one instance, obtaining a grant from the federal government to make the building the terminus of the historic Voting Rights Trail was discussed. The reoccurring problem in all these discussions and the single most important impediment to refurbishing the OJB has been securing a source or sources of funding and locating a rent-paying tenant or tenants to make the venture financially viable.

The state had concluded long ago that the building was not worth the significant cost (early estimates were in the \$8 to \$10 million range) to handle the asbestos abatement and to completely remodel the building. In fact, I had a conversation in the mid-1990s with Sage Lyons (now deceased) who was serving as finance director under then Governor Fob James about the future of the OJB. In that conversation, he told me that he thought the best thing to do was to raze the building and the abandoned former State Health Department Building behind the court building and use both spaces for a well-landscaped state parking lot. This past November, the health department building was finally torn down.

RSA Steps In

At some point in early 2007, city and state officials, as well as Dr. David Bronner, CEO of the Retirement Systems of Alabama (RSA), met to discuss possible RSA involvement in an effort to refurbish the OJB. For whatever reason, no agreement was reached on the building's fate. Last March, Alabama Public Television featured the OJB on a segment of *For the Record* which highlighted the deteriorating building and the call of preservationists to save and preserve the structure. Following the airing of that episode about the building, I received a number of telephone calls



Old Judicial Building - 445 Dexter Avenue

and e-mails from lawyers around the state who had seen the story and expressed their hope that the building could be saved. Not long after that was when I learned that the state would perform the limited repairs to "moth-ball" the OJB with the hope that something more permanent could be done with the building in the future.

Late last spring, I happened to look out my office window, which overlooks the back of the OJB. I saw Dr. Bronner and other RSA representatives and state officials touring the building. I walked out and greeted Dr. Bronner and told him that I hoped that he would be our new neighbor. Not long after, the state and the RSA, with the city's blessings, struck a deal. In exchange for approximately 150 parking spaces in the RSA's Center for Commerce parking deck on Adams Street, the state conveyed the OJB to RSA along with the lot on which the former health department was located. The parking spaces will be used by the state primarily

for the Attorney General's Office and the state's Homeland Security Office that will relocate to the former Public Safety Department Building in the Capitol Complex after it is refurbished.

In November, Ron Blount, RSA's project manager for the OJB project, visited with me to share the preliminary sketches of the new building that will be erected next door. I found the design of the new building to be novel and elegant. The plans call for the building to be 12 stories and to preserve the OJB by encapsulating it. The space between the new building and the state bar building will be landscaped and have an area that will honor all the former chief justices and associate justices who served in the OJB. The new building entrance will have visitors entering at what was formerly the OJB's basement floor where the law library was located. Its second level will be the former lobby and old supreme courtroom. The courtroom will be preserved as a public function space. All in all, the new building will house a 400,000-square-foot office complex. The entire project is projected to cost \$200 million.

Much has been written in the state's newspapers about the project since the RSA announced its plans. Locally, there have been several meetings called to discuss RSA's plans for the OJB. Concerns have been raised by some that the new 12-story building is too imposing for its proximity to the capitol. Critics of the project have called for redesigning the proposed building and decreasing its size. The RSA has pointed out that the financial viability of preserving the OJB on the current footprint requires that the building be large enough to allow RSA to recoup its investment.

I am very excited that the fate of the OJB is a positive one. The plans for the new building are a welcomed change from the 15 years of deterioration and uncertainty about the building next door. ▲▼▲

Endnotes

1. Retired Associate Justice Hugh Maddox prepared an in-depth article about the new Judicial Building, renamed the Heflin-Torbert Judicial Building in 2005, which appeared in the May 2006 issue of *The Alabama Lawyer*, pp. 202-207.

LETTER TO THE EDITOR

Dear Editor:

I was surprised to read the article, "Short-Changing Our Judges," in the January issue of *The Alabama Lawyer*. Alabama is fortunate to have the best judges in the United States, and they deserve to be compensated fairly for their important work. However, now is not the time for a judicial pay increase.

By some estimates, Alabama legislators are facing a \$500 million shortfall in the Education Trust Fund and a \$200 million shortfall in the General Fund.¹ In such an environment, state prisons are in danger of going without necessary staff, and thousands of poor Alabamians may find themselves tossed off the state's Medicaid rolls.

The median annual salary of an Alabama lawyer is \$64,656,² and the median household income in Alabama is \$38,783.³ Tough choices are the order of the day in Montgomery; and no legislator could justify sacrificing pressing state needs to raise comfortable, six-figure judicial salaries to an amount that would eclipse both the income of everyday Alabamians and that of Alabama lawyers.

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Endnotes

1. Budget pinch underscores need for tax reform, *The Tuscaloosa News*, January 18, 2008, www.tuscaloosaneews.com/article/20080118/NEWS/801180301/1012/TLO5, copy of article on file with the author.
2. Salary Survey Report for Bar Association: Alabama Bar Association, PayScale.com, January 10, 2008, www.payscale.com/research/US/Bar_Association=Alabama_Bar_Association/Salary, copy of article on file with the author.
3. Alabama Census Data, Election 2006, [washingtonpost.com](http://projects.washingtonpost.com/elections/keyraces/census/al/), <http://projects.washingtonpost.com/elections/keyraces/census/al/>, copy of article on file with the author.