

Rel: August 21, 2026

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SUPREME COURT OF ALABAMA

SPECIAL TERM, 2026

SC-2026-0249

I. Ripon Britton, Jr., and Gregory H. Hawley

v.

Yashiba Glenn Blanchard, in her official capacity as Jefferson
County Judge of Probate

Appeal from Jefferson Circuit Court
(CV-26-900698)

SELLERS, Justice.

I. Ripon Britton, Jr., and Gregory H. Hawley appeal from a judgment of the Jefferson Circuit Court dismissing their petition for the writ of mandamus directed to the Jefferson Probate Court. We reverse.

I. Facts

On January 29, 2026, Jefferson County Probate Judge Yashiba Glenn Blanchard entered an administrative order ("the order"), which was recorded in the land records of the probate court. In that order, Judge Blanchard directed that a "forensic accounting" be performed "immediately" on all wards' estates that had been previously administered by attorneys Britton and Hawley and transferred to Edmond Earle, the newly appointed guardian and conservator for Jefferson County. The order also provided that all fees for the forensic accountings were approved for payment from each ward's estate. Britton and Hawley petitioned the circuit court, pursuant to § 6-6-640, Ala. Code 1975, for a writ of mandamus directing Judge Blanchard to vacate the order. According to Britton and Hawley, the order encompassed approximately 146 cases, in which they had previously served as conservator and/or guardian. Of those cases, some concerned only guardian-related matters, thus involving no conservatorship estate from

which accounting fees could be paid; some of the conservatorship proceedings had already been discharged by final order of the probate court; and some of the conservatorship proceedings had already resulted in final-settlement hearings and were awaiting action by the probate court. Britton and Hawley also alleged that the order did not stem from any petition or motion, was not entered on the docket of any guardianship or conservatorship proceeding, did not identify any protected person or estate, was entered without notice and a hearing, and was entered without any findings of fact or conclusions of law. Britton and Hawley also filed an emergency motion requesting that the circuit court stay enforcement of the order pending the resolution of their mandamus petition. The circuit court entered an order granting that motion, specifically directing Judge Blanchard to take no further action to enforce or to implement the order pending the resolution of the mandamus petition. Judge Blanchard filed a response, arguing that the mandamus petition was due to be denied because she had entered the order pursuant to her administrative powers.

Despite initially staying the order, the circuit court ultimately dismissed the petition for the writ of mandamus filed by Britton and

Hawley. In its dismissal judgment, the circuit court expressed its belief that the concurrent equitable jurisdiction conferred upon the probate court by Act No. 1144, Ala. Acts 1971 ("the local act"), deprived the circuit court of its supervisory jurisdiction over the probate court. This appeal followed.

II. Standard of Review

We review de novo whether the circuit court had subject-matter jurisdiction over the petition for the writ of mandamus filed by Britton and Hawley. Ex parte Culbreth, 966 So. 2d 910 (Ala. 2006).

III. Discussion

The issue presented in this appeal is whether the local act divests the circuit court of its supervisory jurisdiction over the probate court, thus depriving it of its power to issue a writ of mandamus directed to the probate court, if necessary. The local act applies to cases originating in the Jefferson Probate Court. Section 1 of the local act provides, in pertinent part, that the probate court "shall have general jurisdiction concurrent with that of the Circuit Courts of this State, in equity, in the administration of the estates of ... minors and insane or non compos mentis persons," which would include guardianship and conservatorship

proceedings. See, e.g., Ala. Code 1975, § 12-13-1 and § 26-2A-1 et seq. Section 4 of the local act provides that appeals "may be taken from the orders, judgments and decrees" of the probate court to the Supreme Court. Finally, section 6 of the local act provides:

"The jurisdiction conferred by this act ... is intended to be cumulative only, and it is not intended hereby to in any manner limit or restrict the present jurisdiction of the Circuit Courts or the Probate Courts of such counties, including, without limitation, the right to appeal from orders, judgments and decrees of the Probate Judges of such counties in the manner as now provided by law. Nothing in this act shall be construed as prohibiting or as creating any conditions to the removal of any estates, or the administration of any estates, from the Probate Court to the Circuit Court, in equity, as is now provided by law. It is the primary intention of this act to expedite and facilitate the administration of estates and such other matters as are mentioned herein"

Thus, the local act expressly grants the probate court in this case general, concurrent equity jurisdiction with the circuit courts in this State over estate-administration matters, which would include guardianship and conservatorship proceedings. Notably absent from the local act is any reference to review by a petition for the writ of mandamus or other supervisory, remedial writs; rather, the local act speaks only to where appeals lie. The local act also provides that it does not "limit or restrict the present jurisdiction" of the circuit courts. Id. For these

reasons, we conclude that the general superintendence of the circuit court was not altered in any way by the fact that the probate court shared concurrent equitable jurisdiction with the circuit court under the local act.¹ Rather, the circuit court retains its general superintendence and control over the probate court pursuant to § 12-11-30(4), Ala. Code 1975. That Code section provides that "[t]he circuit court shall exercise a general superintendence over all district courts, municipal courts, and probate courts." (Emphasis added.) "Encompassed in this superintendence is the power to review certain judgments and orders of

¹Britton and Hawley assert that Jett v. Carter, 758 So. 2d 526 (Ala. 1999), is "binding" precedent in this case. Jett, however, addressed the local act in the context of an appeal from the probate court to the circuit court. In doing so, the Jett Court overruled Schroeder v. McWhite, 569 So. 2d 316 (Ala. 1990), specifically rejecting the rule in Schroeder that, when the probate court exercises concurrent equitable jurisdiction with the circuit court, the proper court in which to appeal is this Court. See Jett, 758 So. 2d at 530 ("We have found no authority other than Schroeder for disallowing an appeal from one court to another on the basis that the first was 'acting in its exercise of jurisdiction concurrent with that of the' other court. Schroeder, 569 So. 2d at 318-19. Most important is the fact that we find no authority for that proposition in [the local act], which explicitly states that 'it is not intended hereby to in any manner limit or restrict ... the right to appeal from orders, judgments and decrees of the Probate Judges of such counties in the manner as now provided by law.' Act No. 1144, § 6." (footnote omitted)). Although the holding in Jett is persuasive, Jett is not binding authority here insofar as it addresses the local act in the context of appeals, not petitions for supervisory, remedial writs.

the probate court, either through direct appeal or by petition for an extraordinary writ." Franks v. Norfolk S. Ry., 679 So. 2d 214, 216 (Ala. 1996). See also Ala. Const. 2022, Art. VI, § 142(b) (providing, in pertinent part, that the circuit court "may be authorized by law to review decisions of ... inferior courts" and that it "shall have authority to issue such writs as may be necessary or appropriate to effectuate its powers, and shall have such other powers as may be provided by law"), and Reagan v. Rhodes, 264 Ala. 39, 45, 84 So. 2d 647, 653 (1956) (noting that a probate court is an "inferior jurisdiction subject to the circuit court's general superintendence"). Thus, the fact that the probate court in this case shares equity jurisdiction with the circuit court in connection with certain matters does not elevate the probate court to an equivalent position. Rather, the probate court retains its identity as an inferior court subject to the general superintendence of the circuit court. Accordingly, the circuit court had jurisdiction pursuant to § 12-11-30(4) to exercise its general supervision and control over the probate court, which includes the authority to issue any writ "as may be necessary or appropriate to effectuate its powers." Ala. Const. 2022, Art. VI, § 142(b).

IV. Conclusion

Based on the foregoing, we reverse the judgment of the circuit court and remand this cause with instructions to the circuit court to vacate its judgment dismissing the petition for the writ of mandamus and to take such further action on the petition as is consistent with this opinion.

REVERSED AND REMANDED WITH INSTRUCTIONS.

Stewart, C.J., and Wise, Cook, and Parker, JJ., concur.