



STATE OF ALABAMA
ADMINISTRATIVE OFFICE OF COURTS
817 South Court Street
Montgomery, Alabama 36130

ALABAMA COURT NEWS

Newsletter of the Alabama Judicial System

August, 1986

Reagan Nominates Chief Justice To National Board

Alabama Chief Justice C. C. Torbert, Jr., has been nominated by President Reagan to serve on the first board of directors of the State Justice Institute, a private, non-profit corporation established by Congress to improve the administration of justice in state courts.



Torbert

Torbert's name was one of nine the President sent
(See *Reagan*, Page 2)

Revised Juror Summons To Result In 60 Percent Savings

By taking advantage of changes in technology, a savings of 60% per unit (some \$9,000 per year) will result from the revision of the one-step juror summons form next year, according to Mike Carroll, Assistant Director, Management Operations, Administrative Office of Courts.

Currently, each juror summons prepared by the Judicial Data Center costs an estimated 7-1/2 cents. The revised form will cost only 3-1/2 cents. Carroll estimates that some 200,000 summons will be issued

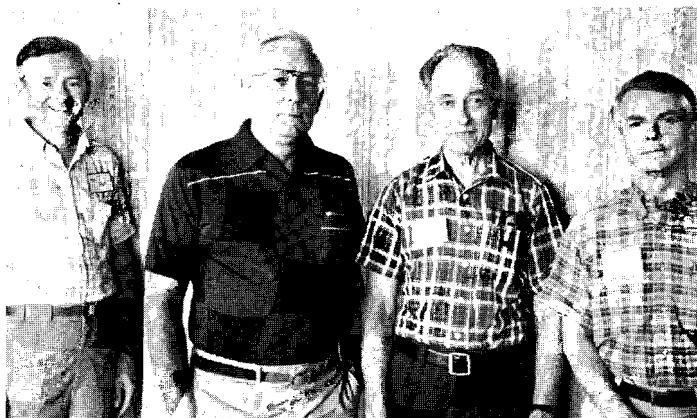
in 1987.

"When the one-step system was developed in 1980, the summons form we are now using was the most economical that could be designed," said John O'Sullivan, who heads the Judicial Data Center.

"In six years, the forms industry has come out with products that are simply better than the form now being used," he said.

The new summons is a "heat seal" form which is easier to prepare than
(See *Summons*, Page 2)

Circuit, District Judges Elect New Officers



J. Edward Tease (r), Florence, is the newly-elected president of the Alabama Association of Circuit Judges. Other new officers are: (l-r) Randall L. Cole, Fort Payne, Secretary-Treasurer; Ferrill D. McRae, Mobile, 2nd Vice President; and Jack C. Riley, Cullman, 1st Vice President.



New District Judge President Gay Lake, Jr., Tuscaloosa (r) receives congratulations from outgoing president Joel Holley, LaFayette. Other newly-elected district judge association officers pictured are: (l-r) William E. Robertson, Sylacauga, President-Elect; Gerald S. Topazi, Birmingham, 2nd Vice President; Deborah B. Paseur, Florence, Treasurer; and Eddie D. Hardaway, Jr., Livingston, Secretary. Not pictured is Aubrey Ford, Jr., Tuskegee, 1st Vice President.

Reagan

(Continued from Page 1)

to the U. S. Senate for confirmation to the Institute's eleven-member board. He is nominated for a two-year term. Also nominated was Professor Daniel Meador, the former Dean of the University of Alabama Law School. Meador now serves as the James Monroe Professor of Law at the University of Virginia Law School.

The remaining seven nominations were: Justice James D. Cameron, Arizona Supreme Court; Lawrence H. Cook, former Chief Judge, New York Court of Appeals; John F. Daffron, Jr., Chief Judge, 12th Judicial Circuit of Virginia; Rodney A. Peeples, Judge of the Second Judicial Circuit of South Carolina; Janice Gradwohl, Presiding Judge, Municipal Court, Lincoln, Nebraska; Larry P. Polansky, Executive Officer, District of Columbia Courts; and Sandra Ann O'Connor, a State's attorney of Baltimore County, Maryland. The President, who signed the act creating the Institute in 1984, must submit two additional names to fill out the eleven-member board.

Congress established the Institute as a non-profit corporation to further improvement in the administration and operation of state courts.

The Institute has broad authority to fund research, technical assistance, education, training and related activities to improve the administration of justice in the states.

ORI Numbers Identify Courts, Agencies

Each law enforcement agency and court in the state is identified by an originating agency identifying (ORI) number assigned by the National Crime Information Center through the Alabama Criminal Justice Information Center in Montgomery.

The ORI number is unique to the agency or court and is utilized daily to identify the source of information generated within the Criminal Justice Network. This number serves as a safeguard for the retrieval or dissemination of information through the NCIC and ACJIS. It helps to ensure that no one can access the system without proper authority.

"I am pleased to have been nominated by the President to the board of this important Institute," Torbert said. "It's creation and implementation has been a long-sought goal of the National Conference of Chief Justices and the Chief Justice of the United States Supreme Court, Warren Burger.

"Chief Justice Burger will be remembered for his extended work toward improving court administration in the state courts and the State Justice Institute will be a lasting tribute to his efforts," Torbert said.

Summons

(Continued from Page 1)

the pre-sealed data mailers now being used. Court system employees are familiar

An ORI number is used on the Uniform Traffic Ticket on both the complaint and the court record portions. Courts should be certain to use the correct court ORI number when completing the court record as this is relied upon when requesting a driver's history. **Courts and police agencies within the same municipality have different ORI numbers.**

Questions concerning ORI numbers should be referred to the UTC Control Unit of the Administrative Office of Courts, 1-800-392-8077, or to the Alabama Criminal Justice Information Center, 858 South Court Street, Montgomery, AL 36130.

with this type of form in that it is used to print state payroll checks.

The new form is a one-part form whereas the old summons form is a four-part form. However, the contents of the revised form will remain basically the same. Each juror will receive information and instructions as to where and when to report for jury duty.

Fifty courts are now utilizing the one-step juror summoning method which has greatly reduced costs as compared with the two-step process.

In FY 1980, the statewide jury commission expenses totalled \$363,569, while in FY 1985, the cost of summoning jurors was reduced to \$135,820.87--a savings of 63 per cent.

Campbell To Direct Judicial Study Commission

Chief Justice C. C. "Bo" Torbert, Jr., has appointed Bill Campbell Director of the Judicial Study Commission. Bill will continue to serve as Director of Research and Planning at the Administrative Office of Courts.



Campbell

"Bill is uniquely qualified to handle the additional responsibilities of the study commission," said Allen L. Tapley, Administrative Director of Courts.

Campbell came to the Administrative Office of Courts in 1976 to direct the development of the judicial personnel system

and served as the first personnel director.

He later served as Director of State Court Operations and was instrumental in the initial establishment of juror, case and records management systems.

Since 1981, Campbell has served as Director of Research and Planning. "His current duties closely coincide with the work of the study commission, which was established to provide a continuous study of the court system and all matters directly or indirectly related to the administration of justice in Alabama," said Tapley.

Campbell has directed staff support for numerous committees of the study

commission including committees on sentencing, child support enforcement, court costs, juvenile probation services, and juvenile services. He has also been actively involved in public information programs and law-related education projects including the teacher workshops and youth judiciary-mock trial programs.

"Bill's comprehensive knowledge of court operations will be of great value to the study commission," said Tapley.

Bill assumes his new duties from Jack Dixon, legal counsel to the Chief Justice, who has served in this official capacity with the study commission for the past seven years.

Changes In State Health Insurance Coverage Announced For October 1

Health Insurance Changes

Although no official announcement had been made by the State Employees' Insurance Board as of June 15, several changes to State employees' health benefits are anticipated, effective October 1, 1986. These changes include an increase in both the employee and dependent coverage rates, a change in the open enrollment period, elimination of the 270-day waiting period for those enrolling in October only, and the addition of a Preferred Pharmacists Program for those in the Blue Cross

program. In addition, a second Health Maintenance Organization (HMO), the Southeast Health Plan, for employees in the Montgomery, Birmingham, and Tuscaloosa areas has been approved.

Rate Changes

Effective October 1, 1986, the cost for employees' individual health insurance, paid by the State, will be \$125.00 per month. The monthly premiums for dependent health coverage paid by payroll deduction, will increase from \$82.50 to \$90.00.

(See *Insurance*, Page 6)



The Alabama Shorthand Reporters Association elected new officers for 1986-87 at their annual meeting in Mobile in July. Pictured (l-r) are: Director, Sheila Ford, Gadsden; Secretary, Deanna Johnson, Gadsden; President-Elect, Francis Looney, Alexander City; President, Sherrie Barlow, Mobile; Vice President, Jennie Dunn, Montgomery; Treasurer, David Northington, Tuscaloosa; Director, Mary Francis Rasp, Mobile; Director, Ted Hicks, Mobile. Not pictured is Director, Melanie Garner, Tuskegee.

Deadline To Add Dependent Coverage Set For October 1

UJS employees who wish to add dependent health coverage to their state health insurance plans or to transfer between any of the three state approved plans may do so effective only on October 1, 1986. (Formerly, the open enrollment period was October and November.)

To begin coverage or change plans effective October 1, 1986, an enrollment form must be completed and signed by the employee and received in the Personnel Division at the Administrative Office of Courts no later than September 12, 1986. Since insurance premiums are prepaid, this will ensure that a payroll deduction of \$90.00 is made for dependent coverage from the warrant of September 26.

If enrollment forms are received too late for a payroll deduction, employees must prepay the premium by personal check or money order made payable to the "State Employees' Insurance Board," to be received by the Personnel Division no later than the last working day of September.

No coverage will be provided unless prepayment is made either by payroll deduction or direct payment. This will be the last open enrollment period until October, 1987.

For further information or enrollment forms, contact Joe Matisak at the Administrative Office of Courts, 1-800-392-8077, ext. 226.

Tom Barber Enters Private Law Practice On Gulf Coast

Tom Barber, who served as Assistant Legal Counsel at the Administrative Office of Courts, entered the private practice of law in Gulf Shores on August 1, 1986. He began his service with the court system in 1976 as legal administrative assistant to then-Chief Justice Howell Heflin.



Barber

"Tom's expertise in juvenile and child support matters is recognized throughout the state and his absence will create a void which will not easily be filled," said Lane Mann, Director, Legal Division.

Tom has served as AOC's liaison to the juvenile and family courts and to the successive Child Support Enforcement Committees appointed by Chief Justice

C. C. Torbert, Jr. He has worked extensively with the Departments of Human Resources and Youth Services in this capacity.

"I think we are beginning to see a better spirit of cooperation between the courts and agencies which work with children's cases," said Tom. "I am happy to have had some small part in focusing the attention and energies of the court system on the needs of the juvenile justice system in our state."

"I have enjoyed all of my work immensely. We have an excellent group of judges, clerks, and court employees who are really dedicated to their respective professions. It's been both fun and hard work and I have enjoyed it. I will genuinely miss all of those with whom I've had the good fortune to become associated," said Tom.



New officers of Circuit Judges Secretaries Association are (l-r) Rita Davis, Fort Payne, Treasurer; Candance Sullivan, Ozark, Secretary; Theresa Clifton, Gadsden, 2nd Vice President; Kathi Hogan, Birmingham, 1st Vice President; and Ruth Raines, Linden, President.



New officers of the District Judges Secretaries Association are (l-r): Debra Oliver, Tallapoosa Co., President; Rebecca Davis, Etowah Co., Vice President; Shirley Robinson, Clarke Co., Secretary; and Cassandra Daniels, Macon Co., Treasurer.

Review Of Time And Attendance Records Requested

Last year, as a result of the United States Supreme Court Ruling regarding government workers and the Fair Labor Standards Act (FLSA), several changes were made in the UJS leave accounting procedure.

Now that the first half of 1986 has passed, this is a good time to review the procedures and the leave records of your employees.

The Time and Attendance Report, when signed by the employee and administrator, is a certified record of hours worked, as well as hours away from the office.

The card now serves as a time card; that is, instead of recording only those instances where leave was approved and taken, it is also a record of actual hours on duty.

Each block of the calendar section is to be posted, whereas notations were formerly made only when leave was taken. Posting should be done on a weekly basis.

Overtime is considered an exception and should be kept to a minimum. On those occasions when it is unavoidable, nonexempt employees earn time and one-half compensatory hours for duty time over forty hours per week (holidays and paid leave are excluded from duty time).

Harper And Jackson Named To Serve On Circuit Bench

Governor George C. Wallace has appointed Robert M. Harper and William A. Jackson to fill vacancies on the circuit bench in the 37th and 10th Judicial Circuits.

Harper, who is the unopposed Democratic nominee for the judgeship in the 37th Judicial Circuit, fills the unexpired term of G. H. "Spud" Wright. He assumed office on July 16, 1986.

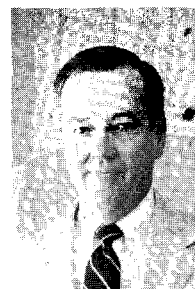


Harper

The Lee County native is a graduate of Auburn University and the University of Alabama School of Law. He brings to the bench 23 years of legal experience, including eight years of

service to Lee County as assistant district attorney.

William A. "Bill" Jackson will fill the position in the 10th Judicial Circuit formerly held by Judge William A. Thompson, who died earlier this year.



Jackson

Jackson is a 1951 graduate of the University of Alabama School of Law. He is a senior partner in the Birmingham law firm of Jackson and Arnold and is legal adviser to Governor Wallace. He is active in the Alabama National Guard and holds the rank of Major General.

Jackson will take office in late August.

Updated Personnel Procedures Manual To Be Distributed

The Personnel Division of the Administrative Office of Courts will update and

Further information on leave accounting can be found in Chapter V of the Personnel Procedures Manual. Chapter VII, appendices A and B, contains FLSA guidelines for UJS employees. Specific questions should be addressed to the AOC Personnel Division, at 1-800-392-8077, ext. 226 or 255.

reprint the Personnel Procedures Manual by the end of the summer. Copies of the new manual will be mailed to all elected officials and administrators.

Upon receipt of the new manual, retain the current blue binder and chapter index tabs and replace the entire manual contents. If you have any questions about the reprinting, call the AOC Personnel Division at 1-800-392-8077, ext. 226.

Sick Leave May Be Converted To Retirement Credit

Act 86-502 allows certain retiring members of the Employees' Retirement System the option of converting unused sick leave to retirement credit in lieu of receiving a lump sum payment for one-half of unused sick leave. The provisions of the Act are as follows:

1. Applies only to State employees who, after converting unused sick leave days (maximum of 150 days) to service credit, meet the minimum qualifications for service retirement. The minimum qualifications for service retirement are age 60 with at least 10 years of creditable service or 30 years of creditable service, regardless of age.

2. A member retiring on a disability may convert unused sick leave to retirement credit only if he meets the minimum qualifications

for service retirement.

3. Provisions of Act apply to members retiring on or after October 1, 1986.

4. Conversion of unused sick leave may not be used for deferred retirement.

The following chart will be used by the Retirement System to convert sick leave to retirement service credit.

Sick Leave Days	Service Credits (Months)
0-10	0
11-30	1
31-50	2
51-70	3
71-90	4
91-110	5
111-130	6
131-150	7

Converting unused sick leave to creditable service will increase the monthly

benefit a retired employee will draw, since benefits are determined by a combination of average final compensation [an average of the three (3) highest fiscal years salaries of the last ten (10) years service] and years of service.

The increase may be minimal, however, and each retiring employee must decide individually whether it would be in his interest to accept a lump sum payment or to increase the monthly benefit.

A detailed table indicating the possible increases in the maximum monthly benefit will be included in a forthcoming revision to Chapter VIII of the Personnel Procedures Manual.

Questions about this change should be addressed to Barbara Kummel, telephone 1-800-392-8077, ext. 255.

Insurance

(Continued from Page 3)

Open Enrollment Period

The open enrollment period for employees who wish to add dependent coverage to their state health plan or who wish to transfer between the three health insurance plans (Blue Cross/Blue Shield, HealthAmerica, or Southeast Health Plan) will only be October 1, 1986. This period differs from past years when the open enrollment period was either the first of October or November.

No Waiting Period

For those employees enrolling in the Blue Cross/Blue Shield plan or adding dependent coverage to the plan during this open period only, the 270-day waiting period for preexisting conditions has been eliminated. Also, there is no waiting period for preexisting conditions for the two Health Maintenance Organizations.

Preferred Pharmacists Program

The Preferred Pharmacists co-payment plan will be provided to employees under

the Blue Cross/Blue Shield group plan effective October 1, 1986. Subscribers will be able to purchase prescription drugs from a Preferred Pharmacy for a \$5.00 co-payment per prescription for name brand drugs and a \$2.00 co-payment per prescription for generic drugs. Among the advantages of using a Preferred Pharmacy are: no deductibles, reduced fees, and no claims to file.

Southeast Health Plan

Southeast is the second Health Maintenance Organization (See **Insurance**, Page 8)

Study Reveals No Litigation Explosion In State Courts

National Center for State Courts, Williamsburg, VA-- "Careful examination of current available trial court data relating to tort, contract, real property rights and small claims cases, from a representative group of state courts, provides no evidence to support the existence of a national 'litigation explosion' in state trial courts during the 1981-84 time period," according to Dr. Robert Roper, director of the Court Statistics and Information Management (CSIM) project of the National Center for State Courts.

Twenty states, which include 29 limited and general jurisdiction statewide court systems, reported reliable and comparable tort, contract, and real property rights statistics on the number of lawsuits filed for the years 1978, 1981, and 1984. The data revealed a 14 percent increase in filings for 1978-81, and a 4 percent decrease in 1981-84.

Small claims suits might best measure the inclination of Americans to sue because of easy accessibility, relatively inexpensive cost, and prospects for a quick resolution. Twenty-nine limited and general jurisdiction statewide court systems in 25 states were chosen for analysis due to their reliable and comparable small claims statistics. Small claims filings increased 18 percent in 1978-81, but decreased 6 percent in 1981-84.

In the area of torts alone, which is a subset of civil filings, total filings increased slightly in both the 1978-81 and the 1981-84 periods. However, all of the three states that reported significant increases during 1981-84 also reported the largest increases in population (Alaska, California, and Hawaii). During 1981-84, tort filings increased 7 percent while population increased 4 percent. For the entire period 1978-84, total tort filings increased 9 percent, but the population also increased by 8 percent.

The data provides a basis for the following observations:

An upward trend in litigation in any one period is not necessarily attributable to an increase in the tendency of the average American to sue, but may indicate a simple increase in the number of average Americans.

There may have been significant increases in civil filings which peaked around 1981; however, civil filings (defined as tort, contract and real property right cases) decreased slightly during the 1981-84 period. In fact, in state courts that reported data for the 1981-84 time periods, there were decreases in the total number of civil filings.

According to Dr. Roper, several reasons could account for the downward trend in litigation. Insurance companies and attorneys may increasingly find it in their interest to settle conflicts before the cases ever reach

International Youth Visit Montgomery County Courthouse

Fifty-five young men, representing 22 foreign countries, visited the Montgomery County Courthouse Monday, July 21, as part of the Lion's Club International Youth Camp.

Supreme Court Justice Hugh Maddox, Montgomery Circuit Judge Joseph Phelps, Montgomery attorneys Bobby Black and Wanda Devereaux, Municipal Judge Lewis Gillis, and representatives of the sheriff's office and the police department participated in the program which was designed to help the group learn more about the American judicial system.

the courts. Also, people may be deterred from filing suits at all because of widespread reports about the cost of litigation, and the prospect of civil suits taking years before disposition.

The often cited litigation explosion thus appears to be exaggerated with respect to the total number of civil filings during the period of 1981-84. The source of the perception that there is a litigation explosion may be founded in a changing mix of civil cases, increased complexity of the cases being filed, and widespread media reports of enormous awards in relatively few civil cases.

Complete supporting data will be available later this spring from the Williamsburg-based National Center for State Courts, in a volume entitled "State Court Case-load Statistics, 1984."

Public Safety Requests Prompt Reporting Of Traffic Dispositions

Timely reporting of failure to appear settlements and traffic convictions is most important. The Failure to Appear, UTC-6B, procedure is set out in the Uniform Traffic Citation Manual, page 3-17.

The manual explains that when a defendant appears and the case is adjudicated, either by plea of guilty or by trial, the pink and green copies of the UTC-6B form should be completed by the clerk. Both the pink copy of the UTC-6B and the white copy of the ticket should be forwarded to Public Safety within 10 days of final disposition (UTC Manual, page 3-4).

Prompt reporting of the UTC-6B clears the suspension on the driver's license and allows the driver to have his license reinstated. If circumstances require the defendant to be reinstated immediately and the defendant has completely settled his case, the court may give the defendant the pink copy of the UTC-6B to hand-carry to Public Safety.

The court should never allow the defendant to be in possession of the white copy of the ticket. If the white copy fails to reach Public Safety, there will be no record of conviction on the driver's history file and the case

will still be considered pending.

Any questions concerning this procedure may be directed to Liz Ward at the Administrative Office of Courts, 1-800-392-8077, ext. 240, or to the Driver License Division, Department of Public Safety, 205-261-4400.

Insurance

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tion to be approved by the State. Employees in the four areas will be contacted directly by the HMO in the near future.

Any questions pertaining to these changes or other fringe benefits should be addressed to Joe Matisak at 1-800-392-8077, ext. 226.



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