

ALABAMA COURT NEWS

Newsletter of the Alabama Judicial System

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State Appellate Courts Dispose of More Cases Than Filed in FY 1993

The three state appellate courts—the Supreme Court, the Court of Criminal Appeals and the Court of Civil Appeals—kept up with their dockets last term of court, disposing of more cases than new appeals from October 1992 through September 1993.

A total of 4,902 new cases were filed during the last term and 4,903 cases were disposed. Of these cases, 1,683 were decided with full-written opinion which means on average, each of the 17 appellate justices and judges wrote 99 full-published opinions. This year is the third year in a row that the state's appellate courts actually disposed of more cases than new filings.

New filings this past term in the three courts reached an all-time high of 4,902. That number represents a 25 percent increase over the 3,907 appeals filed in the 1988 term, five years ago. ■

FYI—Facts About State Judges

The average age of active circuit court judges is 51, with the oldest 73 and the youngest 31.

The average age of active district court judges is 46, with the oldest 66 and the youngest 32.

The average experience is 10 years for active circuit court judges and eight years for district court judges.

The average age of active appellate court judges is 52, with the oldest 71 and the youngest 35.

Legislative Session Begins: Budget Main Topic

The Chief Justice and the Administrative Director of Courts found it necessary to sound an alarm early in the legislative session because the Governor's recommended budget cut appropriations to the judicial branch. The General Fund Appropriations Bill (H.B. 172), as it was introduced and reported out of the Ways and Means Committee, reduced court appropriations \$4.7 million below the current year's appropriations. This decrease, plus the additional revenue needed for mandated increases not being provided, would severely impact the courts' ability to deliver services.

Steps have been taken by Chief Justice Sonny Hornsby and AOC to contact the Governor's office and legislative leadership regarding the serious consequences relating to such a budget cut. The Chief Justice is in full support of a cost-of-living raise for all employees; however, additional funding sources should be provided in order to prevent a disruption of court services to citizens.

As the Alabama Legislature convened in its regular session on January 11, 1994, education reform and funding for all state government continues to pose a major challenge for lawmakers. The revenue accruing to the state General Fund does not contain growth taxes. Lawmakers must continually look for "bandaids" to allow General Fund agencies and departments to "get by" for another fiscal year. Fiscal year 1993-94, which began October 1, is the first fiscal year in the last four years that General Fund agencies were not prorated.

As lawmakers are confronted with passing a General Fund Appropriations Bill for FY 1994-95, revenue is projected to be \$50 million below the current year's appropriations. As difficult as it will be, obtaining adequate appropriations for the courts must be the number one priority for this ses-

sion. A \$6 million increase is needed for the courts to cover mandated increases such as health insurance, merit raises and courthouse renovations.

The FY 1994-95 cost-of-living salary adjustment being proposed is 8 percent. For the General Fund, the cost is approximately \$32 million of the total cost of \$88 million.

Bills included in the courts' legislative package for this session are the contract counsel bill; the bill making it a crime to threaten or harass judges, court officials and court employees; the creation of a judicial education trust fund in 1995; and the bill proposing a constitutional amendment adding two district judges to the Judicial Inquiry Commission and the Court of the Judiciary.

Circuit clerks and court reporters are each seeking adjustments in their statutory salaries. Juvenile probation officers are trying to establish a minimum salary subsidy and change the subsidy allocation formula.

Another major bill is one to "reform" the Bail Bond Reform Act of 1993. A committee, chaired by Judge Bill Bowen, representing all components of the criminal justice system with an interest in the bail process, has developed the proposed bill. The intent was to address concerns about the 1993 Act and to develop an improved process.

Because of the public's concern about crime and violence, many bills dealing with crimes, sentences, and other criminal justice issues can be anticipated.

Several civil justice bills are also anticipated, i.e., limiting a city's liability for off-duty policeman performing private work and limiting an employer's liability of releasing information regarding previous employees.

Legislative Digests will be mailed to officials on Fridays during the session which must end on or before April 25. ■

1994 Interagency Conference on Youth

"Working Together for Children" is this year's theme for the Interagency Conference on Youth, to be held February 16-18, 1994, at the Governors House in Montgomery. The conference is for children's services facilitation teams, juvenile court judges and others involved in implementing the Multiple Needs Child Act.

Last year, the Alabama Juvenile Justice Coordinating Council appointed a committee, chaired by Judge Patricia M. Smith of Shelby County, to plan an Interagency Conference on Youth. The objective for the conference is assisting county and state children's services facilitation teams in working together to effectively address the various needs of children and carrying out the mandates of the Act.

Workshop presentations will be given by nationally-recognized profes-

sionals from Alabama, Georgia, Ohio and Pennsylvania. The workshops will include: Evaluation and Assessment; A Needs-Based Approach to Service Design; Judicial Remedies; Outpatient Treatment of Adolescent Sexual Offenders; Judge's Role and Scope; Community Programs resulting from the A.W. Consent Decree; Accessing the Mental Health System in Alabama; Compatibility of R.C. Consent Decree and the Multiple Needs Child Act; Safe Case Closure and other workshops dealing with making a difference in the lives of multiple needs children.

The keynote speaker for the luncheon will be Circuit Judge Tony Heckemeyer, Benton, Missouri, who will discuss how to develop and use resources, how to "make things happen," how to work with judges and how to work together for children. ■

Justice Cook Sworn In

The newest member of the Alabama Supreme Court was sworn in November 1, 1993 at the new Judicial Building in Montgomery. Former Bessemer Circuit Court Judge Ralph D. Cook was appointed Associate Justice of the Supreme Court of Alabama by Governor Folsom to fill the position of retired Justice Oscar Adams.

The investiture was presided over by Chief Justice Sonny Hornsby. The invocation was given by Richard K. Thompson, Presiding Bishop Ninth Episcopal District. Special guests and members of Justice Cook's family received special recognition. Remarks were given by Congressman Earl Hilliard; United District Court Judge U.W. Clemon; James R. "Spud" Seale, President, Alabama State Bar; W. Lee Pittman, President, Alabama Trial Lawyers Association; Davis D. Carr, Past President, Alabama Defense Lawyers Association; and Jackie M. McDougal, President, Bessemer Bar Association.

Members of the Special Robing Committee included Daniel J. Reynolds, Senior Circuit Judge, Bessemer; Benjamin Travis, Judge, Oakland, California; Quitman Mitchell, Mayor, Bessemer; Kimberly Cook and Nakela Cook. The Oath of Office was presented by Retired Associate Justice Oscar W. Adams, Jr., and the Presentation of Commission was presented by Governor Folsom. ■

Circuit and District Judges Sentencing Manual Updated

The Sentencing Manual for Circuit and District Courts has been updated and will be distributed at the Circuit and District Judges Mid-Winter Conference in Birmingham on January 19-21. The up-dated manual will be mailed to judges and other members of the Alabama Judicial System not attending the conference.

The manual is a compilation of the major areas of law and procedure relating to sentencing and includes significant departmental rules and regulations dealing with the execution of sentences. The judiciary may

ACSA Name Gaither "Judge of the Year"

Each year the Alabama Child Support Association recognizes a trial court judge for outstanding contributions in the state child support enforcement program. This year, the association recognized Harbour County District Court Judge W. Thomas Gaither as "Judge of the Year." Judge Gaither was acknowledged as a strong advocate of parental responsibilities and the importance of amicability among parties in the sake of the children. In addition to supporting education and job training for absent parents, Judge Gaither frequently speaks to young people on the problems of teenage pregnancy and child support, and has worked with his county DHR office in developing information training programs for high schools. Despite his active involvement with the community, Judge Gaither has heard that child support cases are heard expeditiously, even adding additional dockets to prevent any backlog of cases. ■

use the manual as a quick reference source for important statutes, rules and case law.

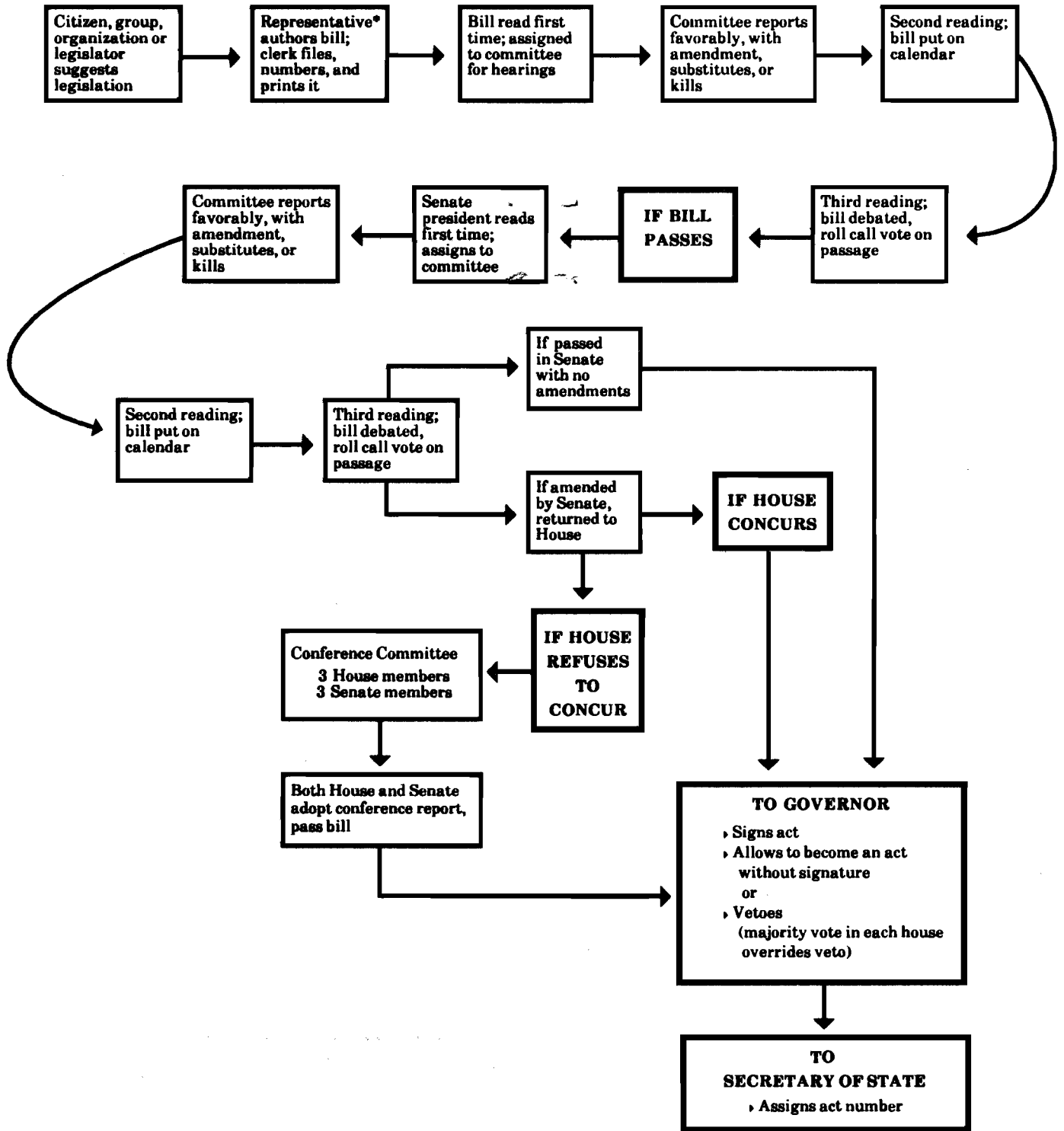
Since the manual was last published in 1989, various areas of the law relating to sentencing have changed. Several of the revised Rules of Criminal Procedure have been included where appropriate, as well as new departmental rules and regulations dealing with Supervised Intensive Rehabilitation, Work Release and inmate classification. New drug trafficking statutes, as well as case law rulings on the Habitual Felony Offender Act (HFOA) and capital punishment have been included. ■

Planning Committee Adopts Recommendations

In December, the Judicial Planning Committee completed its initial study of the Alabama courts and finalized its recommendations for improvements. The committee found that the Alabama court system is, for the most part, operating in an efficient manner. The general recommendations offered by the committee reflect needs for system refinements rather than major re-

visions. In addition, the Committee recognized work being undertaken by other committees and agencies. "Planning offers the judicial system the opportunity to determine its own course for the future," said Oliver Gilmore. Draft of the Judicial Planning Committee's recommendations will be distributed to judges and court officials at the mid-winter meetings. ■

HOW A BILL BECOMES A LAW



*Bills may originate in either House. This bill originated in the House of Representatives.

BRIEFS...

Deaths

John Peter Kohn, former Alabama Supreme Court Justice, died November 27, 1993. He would have been 91 years of age December 27. He was a graduate of the University of Alabama Law School, a former president of the Montgomery County Bar, and a Montgomery County attorney for over 20 years.

John Hartwell Lutz, son of Judge and Mrs. Hartwell Lutz, district judge, Madison County, died January 1. Other survivors include his wife, Lisa.

Coffee Club Celebrates Judge Carter's 99th Birthday

Former Judge Eugene Carter, presiding judge, 15th Circuit (Montgomery County), celebrated his 99th birthday recently with fellow members of the Coffee Club, a group of distinguished gentlemen, and one (lucky) lady who began the tradition of meeting for coffee and fellowship every Thursday morning some 40 years ago.

After World War I where Judge Carter served as a U.S. Army officer, he spent 45 years as a Montgomery County circuit judge, retiring in 1977. "I was going to retire six years before I did but a group of lawyers came and asked me not to retire. I said 'If that's what you all want, that's what you'll get,'" said Judge Carter.

Judge Carter graduated from the University of Alabama Law School and began practicing law in Montgomery County in 1916. He was married to Mary Virginia Wilson July 10, 1931, until her death in January 1988.

Judge Carter and former Montgomery County Sheriff Mac Sim Butler are charter members of the Coffee Club. Other members include Joe Azbell, Bobby Black, Judge Jimmy Carter, Royce Chandler, Tom Conner, Peacock Elijah, Polly Eubanks, T.B. Hill, Jim Inscow, Tom Johnson, Judge Eugene Loe, Bill Lyerly, former Gov. John Patterson, Judge Joe Phelps, Warren Reese, former Sen. Vaughn Hill Robison, Jack Smith, William Thomas and Judge Robert Varner. ■

Circuit Judge George Craig, Limestone County, has been appointed to serve on a task force seeking ways to combat violence in Alabama schools. Gov. Folsom appointed 17 members to serve on the commission called the Governor's Commission on School Violence. Gov. Folsom said he has asked the members, who have agreed to serve without compensation, to make specific recommendations early in the 1994 legislative session.

Dallas County Circuit Judge Nathaniel Walker, was the keynote speaker at a Dallas County School System function, held in conjunction with American Education Week, to honor 84 parents with certificates of appreciation. Walker spoke on newly enacted state laws giving parents legal responsibility for their child's regular school attendance as well as their appropriate behavior according to school policy while attending.

The high divorce rate in our state led **Circuit Judge Mike Suttle**,

Lauderdale County, to establish a special class for parents seeking to end their marriage. The aim of the class is to raise parents' awareness and sensitivity concerning the difficulties children go through during and after the divorce process. Parents are reporting the program to be very beneficial.

Judge Hugh Beaird, Walker County, was the unanimous choice for the Governor's Award for the best cleanup and beautification campaign in Alabama, district judicial award division. Judge Beaird enlisted 47 court-associated workers who put in 2,890 hours of work on county road-sides. The presentation was held at the annual PALS awards luncheon at the Capital City Club.

Anita Smith has been appointed Cullman County's first-ever female bailiff by Circuit Court Judge Frank Brunner. Smith had been a legal secretary for 20 years and had worked for Judge Brunner for the past three years before her appointment.

Appointments/Retirements

Richard L. Holmes appointed as Active Retired Judge, Court of Civil Appeals 10-1-93.

Circuit Judge James W. Moore, Jr., 24th Circuit (Fayette, Lamar, Pickens) appointed 12-16-93 to fill the position of Circuit Judge **Clatus K. Junkin** who retired 12-15-93.

Circuit Clerk Judy Byrd, Houston County, appointed 12-1-93.

Julia L. Trant, Houston County, appointed supernumerary circuit clerk 12-1-93.

District Clerk Marie S. Tidwell, Calhoun County, appointed supernumerary clerk 1-1-94.

Lindy M. Fuller appointed official court reporter 11-15-93 for Judge **John C. Norton**, 24th Circuit (Bibb, Dallas, Hale, Perry, Wilcox). ■

- Address Changes -

Any changes in office addresses, post office boxes, and telephone numbers should be reported to the Administrative Office of Courts Personnel Division at 1-800-392-8077, extension 20356.

Changes in home addresses should be reported on a Personnel Action form.

New Judge's Attend Orientation Program

The Alabama Judicial College began the new year by hosting the New Judge's Orientation Program on January 5th through the 7th at the new judicial building. There were six new judges participating in the orientation program. The new judges and those they replace include:

H. Frank Brunner, Jr., Circuit Judge, Cullman; replaced Hon. **Jack Riley**

John C. Calhoun, Circuit Judge, Birmingham; replaced Hon. **Joe Barnard**

John H. England, Jr., Circuit Judge, Tuscaloosa; replaced Hon. **John Karrh**

William D. Russell, Jr., District Judge, Etowah County; replaced Hon. **Bob Lewis**

Annetta H. Verin, Circuit Judge, Bessemer; replaced Hon. **Ralph Cook**

Charles W. Woodham, District Judge, Henry County; replaced Hon. **Joseph Masters** ■

Reminder of CCM Code Use

For some time, circuit and district clerks have been providing AOC with capital case data. In the past, all courts were completing and mailing in a blue card and a monthly report form for capital case reporting. The procedure was changed September 29, 1993. A memorandum was prepared and sent to all circuit and district courts explaining the new system. The blue card was revised for non-automated sites and automated court sites were notified to no longer submit a blue card, but to enter the capital case data into their on-site computers. For computerized sites, additional information was requested and codes were established that identify the different types of capital murder cases. As a reminder, there are three charge codes that need to be entered regarding capital cases in order to help monitor these cases:

CMUR: All original capital murder filings: District Court as a result of a warrant being executed, and Circuit Court as a result of an indictment being returned;

EMUR: All Rule 32 filings (Error Coram Nobis and Habeas Corpus Petitions) arising out of capital cases. Note: Other Rule 32 filings should be coded as ECNF (felony case) or ECNM (misdemeanor case);

MMUR: All remanded capital cases.

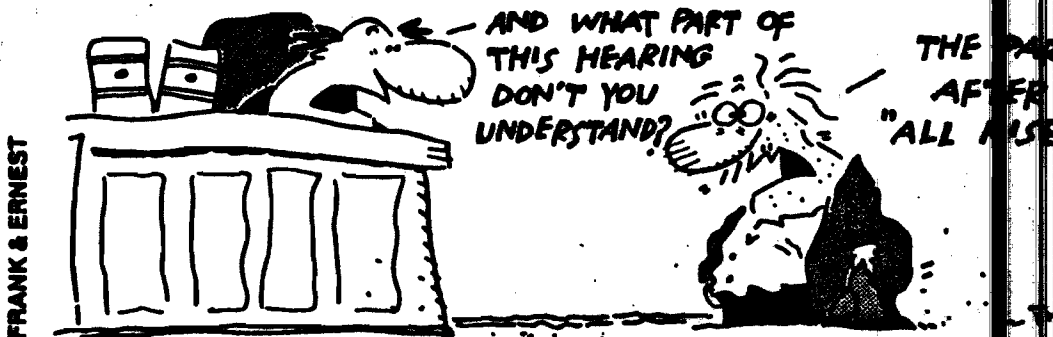
Non-automated court sites should continue to submit blue cards (revised 9/93) and monthly reports until your court is automated. If you need a supply of cards, please contact Jean Payne at AOC, Legal Division. ■

Trial Courts Receive New Computers and Training

During September and October, 81 personal computers and laser printers were distributed to various counties throughout the state. The Court Assistance Division supervised the installation of the software and equipment.

Melody Merriam, Court Assistance Division, conducted eight training sessions in Montgomery during November and December. The two-day, hands-on sessions provided an introduction to Windows 3.11, an introduction to WordPerfect 6.0, and an introduction to the judicial system. Seventy-two judicial employees completed the training sessions.

An additional 11 computers will be distributed to the trial courts in February. Employees receiving these computers will also receive special training. ■



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