

# COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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July, 1980

## IN BIRMINGHAM

### SNODGRASS, KARRH

### ELECTED TO LEAD

### CIRCUIT, DISTRICT JUDGES

Circuit Judge John David Snodgrass of Huntsville and District Judge John Karrh of Tuscaloosa were elected to lead the state's circuit and district judges at their annual conference in Birmingham July 16-17.

Other officers elected to positions in the respective judges' associations were: Circuit Judges--Robert E.L. Key of Evergreen, 1st vice president; Jack Wallace of Clayton, 2nd vice president; Joseph Colquitt of Tuscaloosa, secretary-treasurer. District Judges--Newman Sankey of Montgomery, president-elect; William Fowler of Birmingham, 1st vice president; Dominick Matranga of Mobile, 2nd vice president; Jerry Fielding of Sylacauga, secretary; Joseph Poole of Greenville, treasurer.

The circuit and district judges were welcomed to the meeting by judge Melvin Grass of Guntersville, outgoing president of the District Judges' Association, Judge Thomas Huey, presiding judge of Jefferson County, and Judge Murland Smith of Andalusia, outgoing president of the Circuit Judges' Association.

Administrative Director of Courts Allen L. Tapley reported to the judges on the activities in the Administrative Office of Courts. These included the juror management grant and the newly-acquired grant for case management. The judges were apprised of the records retention schedule by Judge



*SUPREME COURT JUSTICE RENEAU P. ALMON, center, represented the state's appellate courts at the recent meeting of trial court judges in Birmingham. Almon is pictured here with Circuit Judge John D. Snodgrass, left, of Huntsville, new president of the Association of Circuit Judges and District Judge John Karrh of Tuscaloosa, new president of the Association of District Judges.*

Randall Cole of Fort Payne and Deborah Hay of AOC. Col. Jerry Shoemaker, director of the Department of Public Safety, informed judges of the new programs in progress in his department and their projected impact on the courts.

"Summary Judgments" was discussed by J. Russell Gibson, a Tuscaloosa attorney, with Birmingham attorney Leon Ashford discussing "Substitution of Parties." Professor Clinton McGee handled a session on the new Criminal Code and the new temporary Rules of Criminal Procedure. Other sessions included "Judicial Inquiry" and "Court of the Judiciary" conducted by Judge Robert P. Bradley and Judge L. Charles Wright, respectively.

*(Continued On Page 2)*

## CIRCUIT, DISTRICT JUDGES MEET

(Continued From Page 1)

"The Alabama Securities Act" and "Related Court Cases" were presented by Thomas Krebs, director of the Alabama Securities and Exchange Commission. George S. Wright, a Tuscaloosa attorney and federal bankruptcy judge, discussed the new Federal Bankruptcy Code and its impact on state district and circuit courts. Dr. Shepherd A. Odom made a return visit to the judges' conference to discuss "Stress and What to Do About It."

On the final day of the conference, Lanny Vines of Emond and Vines of Birmingham made a presentation on "Damages Under Breach of Warranty Including Personal Injury." Concurrently, Professors Camille Elebash and Marian Huttenstein of the University of Alabama School of Journalism gave the judges pointers on "Listening and Notetaking." Judge Roger Halcomb of the Bessemer District Court conducted a problem-solving session on district civil cases.

*Related pictures on Page 3. Story concerning judicial secretaries annual meeting on Page 12.*

## DEADLINE SET FOR JURY COMMISSIONS USING COMPUTERIZED QUESTIONNAIRES

In order to finalize preparations for the refilling of the master jury box, all jury commissions wishing to use the computerized qualification questionnaire and services available to them from the Administrative Office of Courts must submit a written request by Aug. 15, 1980.

As mentioned in the May issue of Court News, services provided will include: the random selection of names from the aster list, the preparation and mailing of the juror qualification questionnaires and the generation of printouts of the master list and the master jury box, cards to be placed in the trial court jury box and address labels to be attached to summons.

These services can be made available to any county choosing the drivers license as the sole source list for the compilation of the master list.

The Jury Management Division of AOC must receive all requests in written

form by Aug. 15, 1980. If further information is needed, contact Mike Carroll or Janie Alexander at AOC.

## ALABAMA JUDICIAL SYSTEM AWARDED JUMI PROGRAM CONTINUATION GRANT

The Alabama Judicial System has been awarded a continuation grant of the Juror Utilization/Management Incentive Program by the Law Enforcement Assistance Administration. The grant award of \$85,378 will continue present activities for an additional 12 months allowing the Jury Management Division of the Administrative Office of Courts to expand its present program to 15-20 additional courts.

Selection of the courts to be included in the program will be based on the interest expressed by court officials and will be finalized during the Fall Judicial Seminar for circuit judges to be held in Tuscaloosa Sept. 4-5.

Topics of discussion at the meeting will include: juror orientation, the juror selection process, voir dire examination, multiple voir dire, case management in relation to jury management, and the future of the jury system in Alabama.

G. Thomas Munsterman, vice president and executive director of the Center for Jury Studies, McLean, Va., will be guest speaker at the conference.

*See article on Fall Judicial Seminars on Page 10.*

## BLUE CROSS ENROLLMENT PERIOD



SET FOR OCTOBER

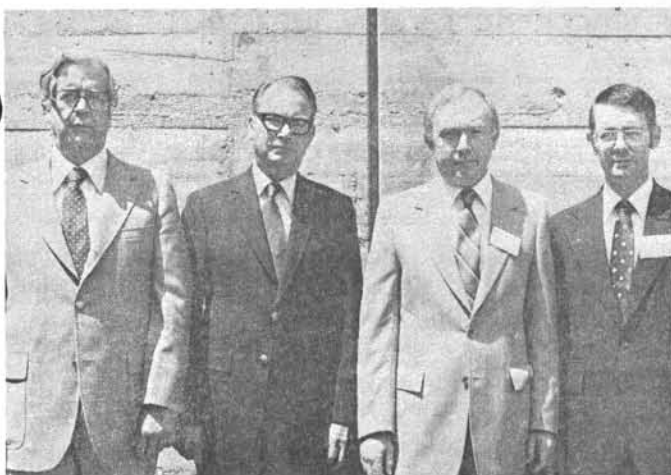


Any Unified Judicial System employee wishing to add dependent coverage to his state Blue Cross policy may do so during the month of October.

The cost of this coverage is \$51.77 per month. To enroll, a Blue Cross enrollment form electing family coverage must be forwarded to the Personnel Division at the Administrative Office of Courts no later than Sept. 5, 1980.

Premiums for October coverage will be deducted from the warrant of the second pay period in September; coverage will be effective Oct. 1. Forms may be obtained from the Personnel Division.





**CIRCUIT JUDGE OFFICERS...** New officers of the Association of Circuit Judges are, from left to right, Robert E.L. Key of Evergreen, 1st vice president; Jack Wallace of Clayton, 2nd vice president; John D. Snodgrass of Huntsville, president; and Joseph Colquitt of Tuscaloosa, secretary-treasurer.



**DISTRICT JUDGE OFFICERS...** New officers of the Association of District Judges are, from left to right, Newman Sankey of Montgomery, president-elect; John Karrh of Tuscaloosa, president; William G. Fowler of Birmingham, 1st vice president; Jerry Fielding of Sylacauga, secretary. Not pictured are: Dominick Matranga of Mobile, 2nd vice president and Joseph Poole of Greenville, treasurer.



**CIRCUIT JUDGES' SECRETARIES OFFICERS...** New officers of the Association of Circuit Judges' Secretaries are, from left to right, Lillian Strother of Birmingham, 2nd vice president; Christi Patton of Tuscaloosa, president; Delisa McLeroy of Cullman, secretary; Sharon Goldman of Ashland, 1st vice president; and Kay Carver of Tuscaloosa, treasurer.



**DISTRICT JUDGES' SECRETARIES OFFICERS...** New officers of the Association of District Judges' Secretaries are, from left to right, Ava Estes of Florence, secretary; Gene Clark of Andalusia, vice president; Jackie Heartsill of Hayneville, president; and Frances Johnson of Brewton, treasurer.



**CHIEF JUSTICE, TAPLEY RECOGNIZED...** Administrative Director of Courts Allen L. Tapley, right, accepts an award from the state's circuit judges on behalf of himself and Chief Justice C.C. Torbert. The award was given for "dedicated service to the Alabama Court System," and was presented by Judge Murland Smith of Andalusia.

## RETENTION SCHEDULE ADOPTED BY STATE RECORDS COMMISSION

The State Records Commission met July 22 to discuss the proposed retention schedule for the records of the state's trial courts, and adopted the entire retention schedule with the exception of the section on juvenile records.

The commission members excluded the section on juvenile records from the adoption because they wanted to extend the time the records are to be retained. These records will be discussed again at the commission's October meeting.

The final step in the approval of the schedule, developed by the Administrative Office of Courts in conjunction with a committee appointed by Chief Justice C.C. Torbert Jr., will be completed by the Supreme Court which will have to adopt the schedule as a rule.

This final step has not been scheduled as yet, but action is planned by Sept. 30 of this year. The schedule will take effect when it is adopted as a Supreme Court rule.

Representing the court's Record Retention Committee at the meeting were Chairman Annette Hardy, clerk of Lee County; Winston Walker, staff member of the Department of Archives and History; and Deb Hay and Randy Helms of AOC.

The members of the State Records Commission in attendance were Milo B. Howard Jr., director of the Department of Archives and History and chairman of the commission; Secretary of State Don Siegelman; Carol Jean Smith, representative for the attorney general's office; John H. Mann, representative of the Revenue Department; and William B. Bernard, chairman of the History Department of the University of Alabama. Others in attendance were Herbert I. Burson, legal counsel for the Department of Revenue; Alice Berta and Sarah-Ann Warren, staff advisors to the commission from the Department of Archives and History.

*that a copy of this commendation be placed in your personal file. Your effective service will also be publicized throughout the state. Additionally, I suggest an appropriate plaque to be presented commemorating your dedication to duty as you saw it on that occasion. Sincerely, Joseph J. Jasper, Circuit Judge.*

## JEFFERSON COUNTY BAILIFF CATCHES RUNAWAY PRISONER; COMMENDED BY JUDGE JASPER

On May 13, one Victor Antonio Glover tried to escape incarceration after having been convicted and sentenced for robbery in Jefferson County Circuit Court.

His freedom was short-lived as Bailiff Bobby Spradlin, acute to the situation, chased and recaptured the prisoner.

Judge Joseph J. Jasper wrote the following letter to Spradlin, commending him for a job well done.

*Dear Mr. Spradlin:*

*The purpose of this letter is to make a record of my verbal commendation to you for your outstanding service in apprehending Victor Antonio Glover during an attempted escape. As you well know, Mr. Glover was attempting to escape after being convicted and sentenced for robbery on the 13th of May, 1980. During the attempted escape, your pursuit went from the 6th floor, Jefferson County Courthouse, down the stairwell to the first floor, out into the park, between the courthouse and the library and then east for several blocks. During all this, you stayed in hot pursuit, gaining on him, and never once slackening your pace. You continued the chase until you effected the recapture of Mr. Glover.*

*Your dedication and devotion to duty in apprehending Mr. Glover reflects great credit to yourself and additionally upon the bailiffs that are involved in the 10th Judicial Circuit of Alabama.*

*It is my desire*



## PROFILE

### Judge L. Charles Wright

A former legislator, L. Charles Wright was appointed by Gov. Albert Brewer in 1969 as a charter member of the newly-created Alabama Court of Civil Appeals.

Now, as presiding judge of that court, Wright looks back on his days in the legislature and the movement which was taking place, including the court reform movement.

"I was a proponent of the move to separate the Court of Appeals, which had limited jurisdiction in both civil and criminal appeals cases, creating a Court of Civil Appeals and a Court of Criminal Appeals with extended jurisdictions.

"The move helped to relieve the burden and backlog that existed in the appellate courts," Wright said.

"I have always said that was the beginning of court reform in Alabama.

"At the time of the court's creation, there were no submissions, so the Supreme Court immediately transferred 100 cases to the Court of Civil Appeals." The caseload has grown steadily since.

Wright said the court has taken on "an unusually heavy load" in the past few years and there is a need to increase the size of the three-man court to five.

"We have postponed asking for additional judges because we had hoped the number of cases would level off and since the cost of adding an additional judge would be near a quarter of a million dollars. But we are now to the point of saturation.

"Retired Judge Ed Scruggs has been working with the Court since his retirement last August, and is in effect, almost like a fourth judge," Wright said. "He has saved us temporarily from asking for an additional judge."

Judge Wright served in the state legislature as a representative from his native Etowah County from 1967 to 1969 when he was appointed to the appellate bench.

He was one of three making up the original court along with Judge Robert P. Bradley and the first presiding judge of the Court of Civil Appeals, Judge T. Werth Thagard. When Judge Thagard retired in 1972, Wright was named presiding judge and Judge Richard L. Holmes was appointed to fill the vacancy after having been nominated to the post in the Democratic primary of 1972.

At its inception, the court was located in the State Judicial Building in an area



JUDGE WRIGHT

commonly referred to as "the shelf." Crowded quarters and conditions that separated law clerks from their judges prompted members of that court, in 1975, to ask the governor's office for help in moving to its present location on the Southern Boulevard. The governor's office provided the first six-months' rent and the Administrative Office of Courts helped purchase furnishings.

Born in Etowah County, the son of L.C. and Elizabeth (McBrayer) Wright, the judge's family is one of the old settlers of that county from the 1800s. He served as circuit solicitor (district attorney) for the 16th Circuit from 1955-1963 and was president of the Etowah County Bar Association in 1954. He practiced law in Gadsden from 1948 to 1955 and again from 1963 to 1969 with the firm Dortch, Allen, Wright and Wright.

A graduate of Etowah County High School and Auburn University, Wright received his law degree from the University of Alabama in 1948 along with other members of the first post-war law class which included former Chief Justice Howell Heflin and Supreme Court Justice James N. Bloodworth.

"All my positions had their good and

*(Continued On Page 8)*



# Project tries to introduce public to courts, law

This Clip From  
DECATUR DAILY

The judicial system directly affects lives. It is where the public goes for redress of grievances that range from murder to small debts.

But how much do persons know about that system?

## -Centerpiece-



By  
Regina  
Wright

The answer is not much — unless Alabamians are better informed than others interviewed by a polling firm at the request of the National Center for State Courts.

Is anything being done to teach Alabamians about courts?

The answer is yes. Alabama's judiciary is behind a new public awareness program that ranges from a speakers' pool to classroom instruction. Schools in Morgan County's Eighth Judicial Circuit are being asked to participate in a pilot program that will teach students about the courts and the law.

The state program is a direct result of the national poll.

Bob Martin, director of administrative services for the state judicial system, said pollsters were asked to do a survey on knowledge and attitude toward courts.

"The survey showed some very interesting things," said Martin. "First, the public generally wasn't very knowledgeable about the courts. That wasn't very startling."

Some things were startling. Among them were:

- 72 percent of those interviewed incorrectly believed that the U. S. Supreme Court could review and reverse any decision of a state court.

- 37 percent incorrectly believed that it is the responsibility of a person accused of a crime to prove his innocence.

- 37 percent incorrectly believed that the governor of a state must review and approve the decision of the state's highest court.

- 30 percent incorrectly thought a district attorney's job was to defend an accused criminal who couldn't afford an attorney.

- 27 percent incorrectly believed that

all courts in all states have juries.

Martin said that when Alabama Supreme Court Justice C. C. "Bo" Torbert read the 65-page report, he asked, "Are we doing anything to really try to help the general public to learn about the law and the system of justice?"

"We started looking around and we weren't doing a whole lot. Nor was the legal profession," said Martin.

The administrative office for Alabama's courts developed a brochure called Alabama Courts Come to Order. It gives a simple outline of the state's court system and its function.

The brochure is available to the public and the schools.

Next, the office developed a 30-second public service announcement for television that informs persons about Alabama's Small Claims Court where disputes of less than \$500 can be settled without the assistance of attorneys.

"We are in the process of developing a citizens handbook on Alabama courts that really goes in-depth on court procedures. We hope teachers will use it to teach the judicial process in government or civics classes," said Martin.

The office has compiled a list of judges who are available to speak at civic clubs and to other organizations interested in learning about the judicial process.

Judge Newton B. Powell, presiding judge in Morgan County, is in charge of the speakers' pool here which includes other judges and some attorneys. Persons desiring a speaker should contact his office at the courthouse.

Powell, said Martin, was in charge of a June 18 meeting in the boardroom of the Morgan County school system. That meeting with principals, civics and government teachers representing the three systems in the county was arranged to try to interest them in including a section on the courts in their curricula. Circuit Judge Richard L. Hundley and several attorneys attended. Other judges were involved in court.

Morgan County is one of eight counties the administrative office selected to develop the courts-in-school program.

Martin said state court employees met with school personnel to tell them they were willing to work with them to develop material for classroom use. He said teachers were also told about material already available.

Powell's office is following through on the meeting and has asked the three systems to designate one person to be in charge of the program in each system. The Decatur city system is the only one responding to date.

Local judges and attorneys will be available as speakers in classrooms.

Martin said classroom instruction can be as varied and as in-depth as teachers desire.

"Montgomery County schools, with the cooperation of judges and the bar association, have developed what they call a Law Awareness Program that is really fantastic," said Martin.

Students from elementary school through high school work on projects related to crime and the justice system. They develop speeches and papers on the subjects.

The program culminates each year with essay and oratorical contests. Winners are given prizes. The oratorical winner addresses a joint meeting of the Montgomery County Bar and the Federal Bar on Law Day.

The classroom instruction could take the form of a mock youth judiciary where cases are argued and decisions reached. That can be structured in government or related clubs, said Martin. It has been done in Montgomery County through the YMCA. Justice Hugh Maddox is an advisor to that program.

"We're not trying to push it on them (teachers)," said Martin. "I think everybody realizes that the youth today need to have some knowledge of the laws that affect their lives and about the justice system. They need to know what is going to happen to them if they roll a smoke and get caught. They need to know where they could be sent."

A textbook, *Our Legal Heritage*, is available in Alabama schools. It is eighth grade level.

"We feel, perhaps, the 11th and 12th grade students need a little more," said Martin.

The thrust of the court education program is aimed at schools because the classroom and young persons seemed a logical place to begin, said Martin.

He said the national poll showed that adults are interested in courts and want to know more about them also.

The main way adults learn about the courts is through the news media. The poll showed that persons interviewed don't feel the media adequately cover the courts.

Pollsters asked:

"Besides sensational trials do you feel media coverage is adequate to (a) show how the court system really works and (b) to show if the court system is effective?"

Fifty-four percent said media coverage isn't adequate to show how the courts work, 28 percent said it is and 18 percent were undecided.

Forty-nine percent said media coverage isn't adequate to show if the court system is effective, 31 percent said it is and 20 percent were uncertain.



*DECATUR CIRCUIT JUDGE NEWTON POWELL...Talks with group of educators and lawyers about the importance of initiating law-related education in Morgan County schools. The 8th Circuit is one of eight pilot circuits chosen by AOC to initiate such a program in the fall.*

## JUDGE NEWTON POWELL HEADS CIRCUIT JUDGES SERVICE SENIORITY LIST

Presiding Circuit Judge Newton B. Powell of the 8th Judicial Circuit in Decatur stands at the top of the circuit judges' service seniority list compiled recently by the Administrative Office of Courts.

The listing shows all 113 active circuit judges from Powell to the newest judge, Circuit Judge Howard F. Bryan of the 5th Judicial Circuit in LaFayette.

Following is the listing in order of seniority with the circuit number, town and the date each judge took office following the name.

1. Newton B. Powell, 8th Circuit, Decatur, Nov. 25, 1946.
2. Gardner T. Goodwyn, Jr., 10th Circuit, Bessemer, Aug. 1, 1950.
3. Thomas E. Huey, Jr., 10th Circuit, Birmingham, Feb. 8, 1951.
4. Wallace Gibson, 10th Circuit, Birmingham, Feb. 11, 1957.
5. William C. Sullivan, 29th Circuit, Talladega, July 3, 1958.
6. F. Murland Smith, 22nd Circuit, Andalusia, Oct. 27, 1958.
7. Jack M. Wallace, 3rd Circuit, Clayton, Jan. 20, 1959.
8. Joseph M. Hocklander, 13th Circuit, Mobile, March 23, 1961.
9. John W. Green, 23rd Circuit, Huntsville, Jan. 15, 1963.
10. Claude B. Hughes, 10th Circuit, Birmingham, Sept. 1, 1964.
11. Riley P. Green, 12th Circuit, Troy, Oct. 1, 1964.
12. Robert M. Parker, 7th Circuit, Anniston, Nov. 16, 1964.
13. T. Leon Beaird, 14th Circuit, Jasper, Jan. 17, 1965.
14. Fred W. Nichol, 6th Circuit, Tuscaloosa, Jan. 18, 1965.
15. Douglas S. Webb, 21st Circuit, Brewton, Jan. 18, 1965.
16. William C. Barber, 10th Circuit, Birmingham, April 1, 1965.
17. Robert E. L. Key, 35th Circuit, Evergreen, Oct. 4, 1965.
18. Ferrill D. McRae, 13th Circuit, Mobile, Nov. 19, 1965.
19. James B. Waid, 16th Circuit, Gadsden, July 18, 1966.
20. Thomas N. Younger, 23rd Circuit, Huntsville, Nov. 8, 1966.
21. Joe Macon, 19th Circuit, Wetumpka, Nov. 21, 1966.
22. James O. Haley, 10th Circuit, Birmingham, June 5, 1968.
23. John David Snodgrass, 23rd Circuit, Huntsville, Aug. 13, 1968.
24. Kenneth F. Ingram, 18th Circuit, Ashland, Oct. 11, 1968.
25. John B. Tally, 38th Circuit, Scottsboro, Nov. 15, 1968.
26. G. Ross Bell, 10th Circuit, Birmingham, Dec. 1, 1968.
27. Edgar P. Russell, Jr., 4th Circuit, Selma, Jan. 18, 1969.
28. Richard L. Hundley, 8th Circuit, Decatur, Jan. 20, 1969.
29. Billy C. Burney, 35th Circuit, Moulton, March 6, 1969.
30. Joseph J. Jasper, 10th Circuit, Birmingham, May 26, 1969.
31. Arthur E. Gamble, Jr., 2nd Circuit, Greenville, Nov. 20, 1969.
32. Elwood L. Hogan, 13th Circuit, Mobile, Jan. 12, 1970.
33. Kennedy Williams, 34th Circuit, Russellville, Sept. 22, 1970.
34. Robert E. Hodnette, Jr., 13th Circuit, Mobile, Nov. 1, 1970.
35. W.G. Hawkins, 9th Circuit, Fort Payne, Jan. 18, 1971.
36. Clark E. Johnson, Jr., 27th Circuit, Albertville, Jan. 18, 1971.
37. Carlton Mayhall, Jr., 25th Circuit, Hamilton, Jan. 18, 1971.
38. William P. Powers, 29th Circuit, Talladega, Jan. 18, 1971.
39. Jack C. Riley, 32nd Circuit, Cullman, Jan. 18, 1971.
40. James Strickland, 13th Circuit, Mobile, Jan. 18, 1971.
41. J. Edward Tease, 11th Circuit, Florence, Jan. 18, 1971.
42. Michael E. Zoghby, 13th Circuit, Mobile, Jan. 18, 1971.
43. Joseph A. Colquitt, 6th Circuit, Tuscaloosa, Sept. 1, 1971.
44. William I. Byrd, 5th Circuit, Alex City, Feb. 23, 1973.
45. H.E. Holladay, 30th Circuit, Pell City, Oct. 5, 1973.
46. Jerry M. White, 20th Circuit, Dothan, Nov. 21, 1973.
47. Charles M. Nice, Jr., 10th Circuit, Birmingham, Feb. 1, 1974.
48. Claud D. Neilson, 17th Circuit, Demopolis, Feb. 28, 1974.
49. William A. Thompson, 10th Circuit, Birmingham, May 21, 1974.
50. William D. Page, 23rd Circuit, Huntsville, Nov. 13, 1974.
51. S.A. Watson, Jr., 23rd Circuit, Huntsville, Nov. 13, 1974.
52. Randall L. Cole, 9th Circuit, Fort Payne, Nov. 15, 1974.
53. Harry J. Wilters, Jr., 28th Circuit, Bay Minette, Jan. 9, 1975.
54. Fred C. Folsom, 32nd Circuit, Cullman, Jan. 15, 1975.
55. Perry O. Hooper, 15th Circuit, Montgomery, Jan. 21, 1975.
56. George H. Wright, Jr., 37th Circuit, Opelika, Jan. 28, 1975.
57. Walter G. Bridges, 10th Circuit, Bessemer, Feb. 10, 1975.
58. Don P. Bennett, 20th Circuit, Dothan, Oct. 9, 1975.
59. John M. Davis, 15th Circuit, Montgomery, Oct. 17, 1975.
60. H. Randall Thomas, 15th Circuit, Montgomery, Oct. 17, 1975.
61. Cyril L. Smith, 16th Circuit, Gadsden, Oct. 31, 1975.
62. John N. Bryan, Jr., 10th Circuit, Birmingham, Nov. 13, 1975.
63. Charles R. Crowder, 10th Circuit, Birmingham, Nov. 25, 1975.
64. W. Loy Campbell, 38th Circuit, Scottsboro, Dec. 5, 1975.
65. P. Ben McLaughlin, Jr., 33rd Circuit, Ozark, April 19, 1976.
66. Jerome B. Baird, 6th Circuit, Tuscaloosa, June 1, 1976.
67. Walter C. Hayden, Jr., 19th Circuit, Clanton, June 1, 1976.
68. James A. Avery, 5th Circuit, LaFayette, June 16, 1976.
69. James C. Brotherton, 14th Circuit, Jasper, June 22, 1976.
70. Terry L. Butts, 12th Circuit, Elba, Aug. 2, 1976.
71. Hobdy G. Rains, 16th Circuit, Gadsden, Aug. 22, 1976.
72. Paul J. Miller, Jr., 26th Circuit, Phenix City, Nov. 8, 1976.
73. Louis H. Lackey, Jr., 6th Circuit, Tuscaloosa, Nov. 10, 1976.
74. J.C. Norton, 4th Circuit, Selma, Nov. 29, 1976.
75. Marvin Cherner, 10th Circuit, Birmingham, Dec. 15, 1976.
76. Josh Mullins, 10th Circuit, Birmingham, Dec. 15, 1976.
77. Malcolm Street, Jr., 7th Circuit, Anniston, Dec. 15, 1976.
78. Wilson Hayes, 28th Circuit, Bay Minette, Dec. 17, 1976.
79. Carl D. Nesmith, 30th Circuit, Oneonta, Dec. 17, 1976.
80. James T. Gullage, 37th Circuit, Opelika, Dec. 22, 1976.
81. James E. Wilson, 14th Circuit, Jasper, Dec. 22, 1976.
82. J. Richmond Pearson, 1st Circuit, Chatham, Dec. 27, 1976.
83. C.W. Callaway, 10th Circuit, Birmingham, Jan. 3, 1977.
84. Julius S. Swann, Jr., 16th Circuit, Gadsden, Jan. 3, 1977.
85. Leslie G. Johnson, 11th Circuit, Florence, Jan. 3, 1977.
86. Joseph D. Phelps, 15th Circuit, Montgomery, Jan. 4, 1977.
87. Braxton Kittrell, 13th Circuit, Mobile, Jan. 5, 1977.
88. Claude Harris, 6th Circuit, Tuscaloosa, Jan. 6, 1977.
89. William H. Cole, 10th Circuit, Birmingham, Jan. 10, 1977.
90. Bobby R. Aderholt, 25th Circuit, Haleyville, Jan. 11, 1977.
91. Clatus K. Junkin, 24th Circuit, Fayette, Jan. 11, 1977.
92. Hardie B. Kimbrough, 1st Circuit, Grove Hill, Jan. 11, 1977.
93. Tom B. Coggin, 8th Circuit, Decatur, Jan. 13, 1977.
94. Charles H. Dodson, 13th Circuit, Mobile, June 3, 1977.
95. Joe G. Barnard, 10th Circuit, Birmingham, July 27, 1977.
96. Sam W. Taylor, 15th Circuit, Montgomery, Aug. 15, 1977.
97. Henry W. Blizard, 39th Circuit, Athens, June 1, 1978.
98. Daniel B. Banks, 23rd Circuit, Huntsville, Sept. 12, 1978.
99. William R. Gordon, 15th Circuit, Montgomery, Nov. 21, 1978.
100. Wayne Johnson, 26th Circuit, Phenix City, Dec. 8, 1978.
101. James D. Sloan, Jr., 7th Circuit, Anniston, Jan. 15, 1979.

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## PROFILE: JUDGE L. CHARLES WRIGHT

(Continued From Page 5)

bad points. I enjoyed being district attorney--I personally investigated all homicides and worked up my own cases. One case in which I was involved was written up in 'True Detective.' The case ended up being out of my jurisdiction and was tried in an adjoining circuit."

"I miss the action of being a trial lawyer, but the strain of trial work was about to get to me when I came on the court."

Wright served in the United States Navy from 1943-1946, and is a Commander, U.S. Naval Reserve, retired.

The judge is married to the former Maxine McClendon and they have three children, L. Charles Wright, Jr., Dennis M. Wright and Adele Wright Miller, and three grandchildren.

Outside his official role, Judge Wright enjoys golfing, gardening and playing with his grandchildren. He says he has never taken a vacation because he feels such a responsibility to the parties in a suit.

"Most people just don't realize what a mental exercise it is to sit at a desk and read and put your opinions on paper hour after hour and day after day--you get mentally weary. It's actually more tiring than physical labor.

"Each judge is writing close to 90 full opinions each year--as many as we have to in order to stay current. We are writing too many, though, and the quality one day may have to suffer."

Wright is a member of the Alabama and American Bar Associations and is a member of the Alabama Law Institute. He is presiding judge of the Court of the Judiciary and has been on that judging body since its inception with the implementation of the Judicial Article.

## NATIONAL COLLEGE OF PROBATE JUDGES SELECTS COURT CENTER AS SECRETARIAT

The National College of Probate Judges has chosen the National Center for State Courts as its new Secretariat starting June 1, 1980.

The National College of Probate Judges was founded in April 1968 when Judge

William W. Treat, probate judge, Hampton, N.H., met with a small group of New England judges to form an organization to promote educational opportunities for probate judges.

Founded on a national basis in 1971 with the help of the American Judicature Society, the College is the leading judicial organization for courts with probate jurisdiction. Under the leadership of Judge Treat and George C. Berry, probate judge, Kansas City, the National College has brought probate judges a recognized program of continuing education, representation on national judicial boards and committees, and a national forum for exchanging ideas.

Kenneth Pat Gregory, judge, Harris County Probate Court, Houston, is current president and Floyd Ernest Propst, III, judge, Fulton County Probate Court, Atlanta, is vice president.

The National Center for State Courts is a non-profit research and consulting organization headquartered in Williamsburg, Va. It is headed by Edward B. McConnell, who served for 20 years as administrator of the state courts of New Jersey before becoming the Center's executive director. As secretariat to the National College of Probate Judges, the Center will be responsible for such administrative matters as membership lists, bookkeeping and conference arrangements.

## CIRCUIT JUDGES' SERVICE SENIORITY LIST ESTABLISHED

(Continued From Page 7)

102. Harold Walden, 18th Circuit, Columbiana, Jan. 16, 1979.
103. Inge Johnson, 31st Circuit, Tusculum, Jan. 17, 1979.
104. Dan Reynolds, 10th Circuit, Bessemer, March 16, 1979.
105. William H. Baldwin, 22nd Circuit, Andalusia, May 9, 1979.
106. J. Ronald Storey, 20th Circuit, Dothan, July 1, 1979.
107. William D. Jetton, 27th Circuit, Guntersville, Oct. 1, 1979.
108. Wadell C. Zanaty, Jr., 10th Circuit, Birmingham, Oct. 10, 1979.
109. Cain Kennedy, 13th Circuit, Mobile, Dec. 1, 1979.
110. Sam Monk, 7th Circuit, Anniston, Dec. 1, 1979.
111. Robert R. Armstrong, Jr., 18th Circuit, Columbiana, Jan. 7, 1980.
112. N. Pride Tompkins, 31st Circuit, Tusculum, March 11, 1980.
113. Howard F. Bryan, 5th Circuit, LaFayette, April 15, 1980.



# PEOPLE \* PEOPLE

**B**ob Taylor has been appointed as special assistant to Administrative Director of Courts Allen L. Tapley, effective immediately.

Taylor moves to his new job from the position of case management coordinator in the Trial Court Operations Division.

"Bob has excellent qualifications and experience and I believe he will make a valuable contribution to this office and the court system," Tapley said.

Also effective immediately, *Nancy Morochnick*, who for the past several months has served as administrative assistant to the administrative director of courts, will assume the position of administrative assistant to the AOC Legal Division. Mrs. Morochnick will continue several of her administrative responsibilities for the chief justice and Tapley in addition to administrative assignments made to her by the Legal Division.

**C**ircuit Clerk *Billy Harbin* of Madison County has received the "President's Award" in recognition of his many contributions to the Unified Judicial System and the Alabama Clerks and Registers Association. He was presented with this award at the 37th Annual Conference of the Alabama Association of Clerks and Registers and is the first recipient of this award.

**S**upreme Court Justice *Richard L. Jones* was named "Father of the Year" by the Birmingham Chapter of the National Organization for Women.

The award was made for Jones' commitment to "upholding the rights of all Alabama citizens without regard to gender."

**M**ontgomery Circuit Judge *John W. Davis* has been elected to the Board of Trustees of the National Council of Juvenile and Family Court Judges at its recent annual conference.

**L**aura and Mark Sellers, children of *Joy Sellers* who is employed in the Morgan County Register's office, are among finalists in the Dick Clark American Bandstand

Dance Contest to be decided in the fall.

The winners of the contest, which has now been narrowed down to five couples nationally, will be decided through a nationwide Bandstand viewer voting system.

The Sellers can be seen on the Saturday show through August 30 and voting will continue through Sept. 6. The couples' voting number is six (6) and votes may be sent to "American Bandstand" Dance Contest, P.O. Box 1220, Hollywood, Calif. 90028.



**STATE SUPREESTARS NET WIN IN MADISON FUND-RAISER...** In a softball game which netted \$580 for the Madison County Heart Association, the State Suprestars won 39 to 31 over the Madison County Powerhouse. Pictured above are members of the state employees' team, from left kneeling, Jane Smith, Diane Smith, Waylene Teague, Lynn Mitchell, Joyce Rodgers, Sandy Parker, Clara Flegal, Fran Young, Marilyn Michael, Peggy Dudley. Standing, from left, Judge Daniel B. Banks, Ed Brooks, Judge S.A. Watson, J.T. Smelley, Daryl Dalrymple, Chuck Webber, Mark Hall, Morris Brooks, Mack Curtis, Tommy Cheatham, Gary Stephens, David Rodgers, T.C. Bill, John Cheatham, Circuit Clerk Billy Harbin, Ron Rossen and Jim Holder.

**C**ircuit Judge *James O. Haley* of Birmingham has announced his intentions to retire, effective Sept. 1, 1980. Haley has been judge since June 5, 1968.

## NEWS FROM THE JUDICIAL COLLEGE



### FALL JUDICIAL SEMINARS SET DIRECTLY AFTER LABOR DAY

The Alabama Judicial College has scheduled the Fall Judicial Seminars in Tuscaloosa on Sept. 4-5. Circuit judges will meet at the Stafford Inn, while district judges will hold their meetings at Farrah Hall on the University of Alabama campus.

Circuit judges will be involved in seminars on juror utilization and management. Alabama is one of seven states selected to be a part of a national project to study jury systems. The project as it has been developed in Alabama is considered to be the best in the Nation. These seminars at the Stafford Inn will give all circuit judges an opportunity to learn the results of the year-long study and how to apply these results in their own circuits.

Chief Justice C.C. Torbert will open the conference to be followed by Hunter Slaton, project director from the Administrative Office of Courts, giving an overview of Alabama's Juror Utilization and Management Incentive Program. G. Thomas Munsterman, vice president and executive director of the National Center for Jury Studies in McLean, Va., will present an overview as it relates to the national scene.

Developments in Jury Management in Alabama will be presented and discussed in several parts. These include: Juror Orientation by Judges Perry Hooper of Montgomery and Randall Cole of Ft. Payne; Source Lists by Judge Robert E. L. Key of Evergreen; Computerization of the Juror System by Jan Shultz of AOC; Voir Dire Examination by Judge William Gordon of Montgomery and Multiple Voir Dire by Judges Paul Miller and Wayne Johnson of Phenix City; Formula for Summoning Jurors by Circuit Clerk Billy Harbin of Madison County and Janie Alexander of AOC; and Case Management in Relation to Juror Management by Judges Ed Tease and Leslie Johnson of Florence.

On Friday, Tom Munsterman will make a presentation on Nationwide Developments in Juror Utilization and Management. The future of the jury system in Alabama will be a group discussion moderated by Justice Hugh Maddox.

Each circuit judge will receive a questionnaire in the registration packet related to the seminars.  
(Continued On Page 12)

### UPDATED JUDICIAL COLLEGE CALENDAR ON PAGE 11

#### ALABAMA JUDICIAL COLLEGE ANNOUNCES CHANGES AND ADDITIONS TO CONTINUING EDUCATION PROGRAMS

Changes to the previously approved calendar of Judicial College Continuing Education Programs are enumerated below.

1. "Clerks and Registers Management Seminars I, II, III, IV" will be held in Birmingham for the northern counties and in Montgomery for the southern counties.
2. "Presiding Circuit Judges Meeting," Nov. 6-7, 1980, will be held at Lake Guntersville State Park Lodge instead of Birmingham.
3. "Spring Judicial Seminars for Circuit Judges and District Judges in Tuscaloosa" will begin April 14 instead of April 15, 1981.
4. "Annual Conference for Juvenile Court Judges," June 4-5, 1981, will be held in Birmingham.
5. "DWI Instructors Seminar" will be held on Aug. 13-14, 1981, instead of Aug. 20-21.
6. "Fall Judicial Seminars for Circuit Judges and District Judges in Tuscaloosa" will begin Sept. 8 instead of Sept. 9, 1981.

#### NEW PROGRAMS/MEETINGS

1. "Traffic Case Adjudication Seminars" for Municipal Court Judges will be held in Birmingham on Aug. 9-10, 1980 for northern cities and in Montgomery on Aug. 16-17, 1980, for southern cities.
2. "Permanent Study Commission Meeting" will be held on Dec. 4-5, 1980 in Tuscaloosa.
3. "Judicial Seminars for Juvenile Court Judges" will be held on Sept. 8, 1981 in Tuscaloosa.



1980      ALABAMA JUDICIAL COLLEGE      1981  
CONTINUING EDUCATION PROGRAMS

GROUP MONTH	CIRCUIT COURT JUDGES	DISTRICT COURT JUDGES	JUVENILE COURT JUDGES	MUNICIPAL COURT JUDGES	CLERKS AND REGISTERS	CLERK/REGISTER EMPLOYEES	COURT REPORTERS	JUDICIAL SECRETARIES	OTHER GROUPS
1980 AUGUST				ADJUDICATION SEMINAR Aug 9-10, Bham Aug 16-17, MtGy		NEW EMPLOYEE ORIENTATION TUSCALOOSA Aug 7-8			
SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA Sep 4-5								APPELLATE JUDGES JOE WHEELER Sep 11-12
OCTOBER					MANAGEMENT SEMINAR I Oct 15-17, Bham Oct 22-24, MtGy				
NOVEMBER	PRESIDING JUDGES GUNTERSVILLE Nov 6-7								
DECEMBER					MANAGEMENT SEMINAR II Dec 3-5, Bham Dec 10-12, MtGy				PERMANENT STUDY COM TUSCALOOSA Dec 4-5
1981 JANUARY	MID-WINTER CONFERENCE BIRMINGHAM Jan 22-23						ANNUAL CONFERENCE MOBILE Jan 22-23		
FEBRUARY				ORIENTATION TUSCALOOSA Feb 21-22	MID-WINTER CONFERENCE TUSCALOOSA Feb 5-6				
MARCH					MANAGEMENT SEMINAR III Mar 18-20, Bham Mar 25-27, MtGy				
APRIL	SPRING JUDICIAL SEMINARS TUSCALOOSA Apr 14-17		JUDICIAL SEMINARS TUSCALOOSA Apr 14						
MAY				ANNUAL CONFERENCE MONTGOMERY May 16-17					
JUNE			ANNUAL CONFERENCE BIRMINGHAM Jun 4-5		ANNUAL CONFERENCE EUFULA Jun 11-13				
JULY	SUMMER CONFERENCE MOBILE Jul 22-23							ANNUAL CONFERENCE GUNTERSVILLE Jul 16-17	
AUGUST					MANAGEMENT SEMINAR IV Aug 5-7, Bham Aug 12-14, MtGy				DWI INSTRUCTORS TUSCALOOSA Aug 13-14
SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA Sep 8-11		JUDICIAL SEMINARS TUSCALOOSA Sep 8						APPELLATE JUDGES GULF SHORES Sep 17-18

## MORE NEWS FROM THE JUDICIAL COLLEGE

FALL JUDICIAL SEMINARS SET  
DIRECTLY AFTER LABOR DAY*(Continued From Page 10)*

ting to the jury system in his/her particular circuit. These questionnaires are to be completed and brought to the conference to provide accurate "back home" data to participate in the seminar discussions.

District court judges will have seminars dealing with Traffic Case Adjudication. Major emphasis will be placed on the new Rules of the Road Act and the procedural changes that will result. Penny Davis, assistant director of the Alabama Law Institute, will discuss this new law. Lt. H.R. Huey of the Department of Public Safety will inform judges of the procedures to be used on that department regarding convictions and other related matters.

An Open Forum to discuss the Adjudication of Traffic Cases will be moderated by Angelo Trimble of AOC along with a panel comprised of Judge Robert P. Bradley of the Court of Civil Appeals; Judge John Karrh of the Tuscaloosa County District Court; Mark Hart, AOC legal counsel; Lt. Huey; and Robert T. Simpson of AOC.

The Failure To Appear problem will be discussed by Angelo Trimble and Bill Campbell of AOC. Mark Hart will discuss the procedures for Failure to Pay Fines.

On Friday, Charles Alexander, state traffic engineer, will discuss Alabama's Manual on Uniform Traffic Control Devices. He will be followed by Robert T. Simpson who will discuss DWI Court Referral Programs and the Defensive Driving Schools. A representative of the National Highway Traffic Safety Administration will make a presentation on New Trends in Traffic Safety and Traffic Case Adjudication.

TRAFFIC CASE ADJUDICATION SEMINARS  
SET FOR TRAFFIC COURT JUDGES

The Alabama Judicial College in coordination with the Administrative Office of Courts will conduct traffic case adjudication seminars in August and September for all traffic court judges in

Alabama. These meetings have been developed around the recently-passed Rules of the Road Act which brings Alabama's traffic laws up-to-date with federal standards.

Seminars are planned for municipal court judges in Birmingham on Aug. 9-10 and in Montgomery on Aug. 16-17. Judges are invited to attend the session that is nearest or most convenient to them.

District court judges will meet in Tuscaloosa on Sept. 4-5.

Items to be discussed include: Rules of the Road Act and other legislative changes; methods for handling traffic tickets under the new rules; significant changes to the law governing driving under the influence; new trends in traffic safety and traffic case adjudication; the Alabama Manual on Uniform Traffic Control Devices; and failure to appear cases.

Registration and hotel reservation material has been forwarded to each traffic court judge. Judges who have not received a registration packet should contact Angelo V. Trimble, coordinator, Municipal Court Division, at the Administrative Office of Courts. Early registration is encouraged.

## JUDICIAL SECRETARIES HOLD

## EDUCATIONAL CONFERENCE

The secretaries of Alabama's Unified Judicial System gathered in Birmingham on July 10-11 for their educational conference sponsored by the Alabama Judicial College.

They were welcomed to the conference by Sue Patterson, president of the Circuit Judges' Secretaries Association; Margie Wetzel, president of the District Judges' Secretaries Association; and Thelma Braswell, director of the Alabama Judicial College.

Justice Richard L. Jones of the Supreme Court of Alabama conducted an outstanding session on communications. He dealt with written and verbal communication. In keeping with one of the UJS' targeted areas for the upcoming year, the secretaries swapped ideas on caseload management.

Friday was devoted to mini workshops. These were on the new Criminal Code con-

*(Continued On Page 13)*



## JUDICIAL SECRETARIES MEET

(Continued From Page 12)

ducted by Wayne Williams, district attorney in Tuscaloosa, "Legal Research" conducted by Attorney George Ford of Gadsden; "Juvenile Cases" handled by Judge Ted Bozeman of Lowndes County; and "Public Information" conducted by Bob Martin of AOC.

The final session dealt with "Stress and How to Handle It." This workshop was conducted by Dr. Hal Ballard, director of industrial relations with Vulcan Materials in Birmingham.

### BALDWIN'S ANN FLOWERS TO ATTEND DEMOCRATIC NATIONAL CONVENTION

Ann Flowers, secretary to Baldwin County District Judge Arthur C. Epperson, has just returned from Washington, D.C. and a visit to the White House and is preparing to head to Madison Square Gardens in New York and the Democratic National Convention.

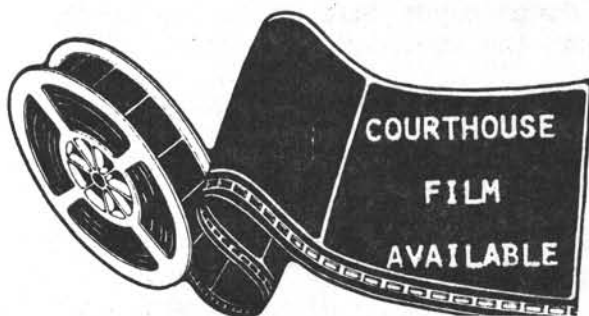
At 28, she is the youngest state delegate elected to the convention and along

with other delegates elected from the 1st Congressional district, Ms. Flowers will be representing the voters from seven counties--Mobile, Baldwin, Escambia, Washington, Clarke, Wilcox and Monroe.

Her visit to Washington, at the invitation of President Jimmy Carter, involved meetings with several cabinet members, a tour of the White House and a meeting with the president and his wife, Rosalyn.

## Alabama Court Reorganization Termed Success

Alabama's court system continues to receive national acclaim as evidenced by this headline and the story which accompanied it recently in the Nashville (Tennessee) Banner.



The Alabama chapter of the American Institute of Architects in cooperation with the Alabama Historical Commission has prepared a slide presentation entitled "Alabama Courthouses" which is available free of charge as a public service to Alabama citizens.

The presentation, which is 22 minutes long, stresses architecture with courthouses as examples.

The slide presentation may be borrowed from the Commission by contacting Cathy Donelson, Alabama Historical Commission, 725 Monroe Street, Montgomery, AL 36130; Telephone: 832-6621.

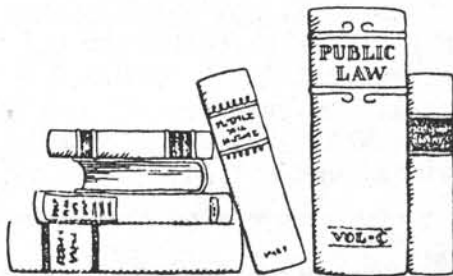
### SURVEY TO DETERMINE STATUS OF INDIGENT SERVICES ACROSS STATE

Judges, members of the practicing bar and prosecutors will soon be receiving a survey questionnaire from the National Aid and Defender Association. The survey is being conducted by the Supreme Court and the Alabama Bar Association's Joint Committee on Indigent Defense.

This committee has concluded that this survey of the bench and bar is necessary in order to determine the status of indigent defense services in Alabama. All participants are urged to complete the questionnaire and return it to NLADA at their earliest convenience.

After results are tabulated, a final report of the findings will be submitted to the committee with recommendations for future improvements in such services.

## LEGAL NOTES



## ATTORNEY GENERAL OPINIONS

Section 32-8-86 of The  
Uniform Certificate of Title and  
Anti-Theft Act Not Repealed  
By New Criminal Code

In an opinion dated July 3, 1980, the attorney general determined that neither Section 13A-8-22 nor any other part of the New Criminal Code repealed Section 32-8-86, part of the Uniform Certificate of Title and Anti-Theft Act. The two statutory provisions are alternative bases for prosecution. The arrest warrant or indictment should specify which statute the prosecution is under, and for any given act punishment can be meted out under only one of the statutes. See Code of Alabama, 1975, Section 15-3-8.

Municipalities Should Furnish  
Prosecutorial Services in Appeals

From Municipal Court to Circuit Court

In an opinion dated July 3, 1980, the attorney general determined that a municipality should furnish prosecutorial services on appeals from the municipal court pursuant to Section 12-14-2(b), Code of Alabama, 1975. Also mentioned was a March 1, 1976, opinion which opined that the district attorney is not required to prosecute appeals from municipal court of violations of city ordinances.

This opinion further stated that it is

the district attorney's responsibility for prosecution of municipal ordinance cases in district court pursuant to Section 12-12-8, Code of Alabama, 1975.

Consent of Court is Necessary to

'No! Pros' a Case by a District Attorney

It was determined in the following opinion, dated June 19, 1980, that consent of court is necessary for entering nolle prosequi in misdemeanor cases initiated by complaint:

"Dear Mr. Evans:

"The attorney general received your request for an opinion as to the following matter:

"This is to respectfully request an official attorney general's opinion on the question of whether or not a prosecuting officer has the authority to make an entry of 'nolle prosequi' in a misdemeanor case initiated by a complaint.

"This question was raised in light of a letter from the Administrative Office of Courts to the circuit clerk of Choctaw County which stated that an assistant district attorney may not 'no! pros' a misdemeanor case by making an entry upon the record."

Your question is to be answered in the negative.

Code of Alabama, 1975, Section 15-8-130 states:

"An indictment must not be quashed, dismissed, discontinued or abandoned without the permission of the court, and such permission must be entered of record."

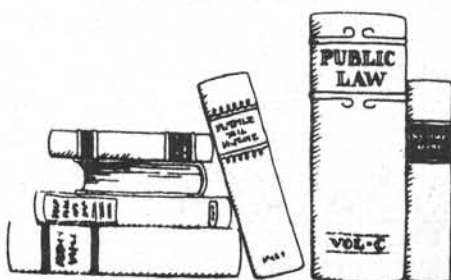
It was concluded in Lacy v. State, 13 Ala. App. 267, 69 So. 244, that according to the above section a nolle prosequi could not be taken by the solicitor without the consent of the trial court.

In an opinion of the attorney general found at Quarterly Reports of the Attorney General, Volume 111, page 12, it was determined that the clerk of the Court of Common Pleas of Lee County had no authority to enter a nolle prosequi on his own motion. The Court of Common Pleas was a

(Continued On Page 15)



## LEGAL NOTES



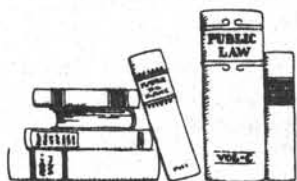
## ATTORNEY GENERAL OPINIONS

(Continued From Page 14)

county court of inferior jurisdiction. Act No. 338, Acts of Alabama 1953, page 396, which amended the original act establishing the court said that criminal prosecution of misdemeanors in such court commenced by sworn complaint and that trials should be conducted as trials after indictments. The opinion issued by the attorney general said that the proper manner of entering an order nolle prosequi in cases in this court was by the deputy solicitor (who prosecuted cases in this court) with consent of court.

A comparison may be made between the prior opinion of the attorney general and the question presented herein in that in each case prosecutions for misdemeanors are initiated upon complaint. It has been stated by the courts that the consent of court is necessary for entering a nolle prosequi when required by statute. I can find no law which would allow a district attorney to enter a nolle prosequi in a misdemeanor case or any other case without the consent of court as stated in Section 15-8-130.

Thus the correct method for entering a nolle prosequi in a misdemeanor case initiated by complaint is by application of the district attorney with the consent of the court.



Post Judgment Fees Are Not  
Docket or Filing Fees for Purposes  
Of Act 79-751,  
Establishing County Law Libraries

In reconsidering an opinion of March 10, 1980, the attorney general issued the following opinion:

"Dear Mr. Tapley,

"In your letter of April 10, 1980, you asked us to reconsider our opinion of March 10, 1980, concerning the respective fees to which the \$2 law library fee is to be added. In that opinion we stated that the law library fee would be added to the post-judgment fees as enumerated in Section 12-19-75.

"Upon reconsideration, the attorney general is of the opinion that the post-judgment fees of attachment, garnishment, and execution are not "docket" or "filing" fees for purposes of the Law Library Act. The Act requires that library fees are to be collected "in all proceedings wherein a docket or filing fee is paid." Section 12-19-75 uses the term "post-judgment fees" in reference to attachment, execution, and garnishment as opposed to the term "docket fee" as used in, for example, Section 12-19-72.

"Furthermore, the section states that post-judgment fees are to be paid at the time the "proceeding is initiated." Section 12-19-72 relating to docket fees uses a different language and states they are to be paid "for cases filed." For these reasons, the \$2 law library fee is not to be added to attachment, garnishment, and execution as provided in Section 12-19-75, since these are not separate filings, but are part of the same case. The law library fee, however, should continue to be added to all other fees that were stated to be docket or filing fees in our original opinion.

"Please note that this opinion modifies Question 1 and Example 1 of our earlier opinion of March 10, 1980."

**COURT NEWS**

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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Robert Martin  
Director of Administrative Services  
and Editor

Karan Sexton Sims  
Assistant Editor

C.C. TORBERT, JR.  
Alabama Chief Justice  
ALLEN L. TAPLEY  
Administrative Director of Courts  
JOHN DAVID SNODGRASS, President  
Association of Circuit Judges  
JOHN KARRH, President  
Association of District Judges  
JAMES S. GARRETT, President  
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