



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

ALABAMA COURT NEWS

Newsletter of the Alabama Judicial System

June, 1986

Computers Aid In Management Of State Courts

As the ink quill gave way to manual typing machines, the typewriter of today is being replaced by automated equipment in court offices across Alabama.

Persons called to jury service in state court will likely have a computer select their name at random and even produce the summons mailed to them. In many courts when someone pays a fine, an electronic cash register receipts the money.

(See **Computers**, page 2)

Chief Justice Appoints Judicial Forms Committee

Chief Justice C. C. Torbert, Jr., recently appointed a Judicial Forms and Analysis Review Committee for the purpose of evaluating all standardized court forms. Torbert specifically charged the committee with the following responsibilities:

- 1) Analyze all existing forms with regard to content, usage, flow, and distribution;
- 2) Draft new forms which may be required;
- 3) Make recommendations regarding the printing and distribution of court forms;

4) Develop a list of all forms which the judiciary is responsible for purchasing.

"The Alabama court system has long had a national reputation for the fine work we have done in the area of forms design and management," said Allen Tapley, Administrative Director of Courts. "The appointment of the first Judicial Forms Analysis and Review Committee in November of 1977 was a significant step toward making our system efficient and cost-effective and their

(See **Committee**, page 8)



GOVERNOR SIGNS JUDICIAL BUILDING AUTHORITY BILL----Governor George Wallace signed legislation creating a Judicial Building Authority recently at a signing ceremony in the State House. Pictured, from left to right, are: Justice Henry Steagall, Judge Robert Bradley, Justice Reneau Almon, Judge William Bowen, State Senator Charles Langford, Judge Richard Holmes, Chief Justice C. C. Torbert, Jr., Robert Martin of the Administrative Office of Courts, Justice Hugh Maddox, Judge L. Charles Wright, State Representative Demetrius Newton, Judge John Patterson, Thelma Braswell of the Administrative Office of Courts, and Allen Tapley, Administrative Director of Courts. The Authority, consisting of the Governor, Chief Justice, Lieutenant Governor, Speaker of the House, and the Director of Finance, is authorized to issue up to \$40 million in bonds to construct a new judicial building for the state.

Computers

(Continued from Page 1)

At the State Supreme Court, a computer system allows the court to track its pending issues and determine if opinions being prepared are consistent with prior decisions.

According to State Chief Justice C. C. Torbert, Jr., "It's all a part of the judicial system's effort to keep abreast of the times and use modern management tools to efficiently process the 600,000 cases which come before Alabama's courts each year."

Torbert says that Alabama's courts have moved into the computer age in order to better manage increasing caseloads, hold down rising personnel costs, and ultimately provide better service to the people of the state.

Currently the State Judicial Information System (SJIS) network is providing automated services to ten courts in Mobile, Baldwin, Houston, Madison, Etowah, Tuscaloosa, Montgomery, Jefferson, Lauderdale, and Lee counties. The network serves courts which hear half of the state's judicial workload.

The circuit courts of Jefferson county have become the latest participants in the SJIS network. With 21% of all circuit and 16% of all district court filings, the Jefferson county courts also represent the largest court to join the SJIS network.

On May 21, 1986, the

Jefferson County circuit criminal division began operation of the automated criminal system. Following the implementation of the criminal system, the remaining circuit jurisdiction and the district court will begin to utilize the network. The implementation of the system in Birmingham marks the completion of over a year's work.

Future plans call for Calhoun and Morgan county courts to be brought into the system in 1986-87, and Russell and Shelby county courts to be added in 1987-88; however, reduced budget appropriations could delay the addition of these courts to the network.

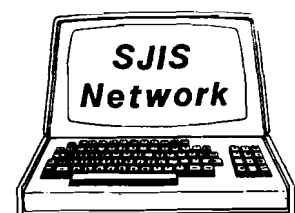
During the past year, five new systems were implemented for the network. They include: a civil case tracking system for circuit civil, district civil, and small claims cases which generates all major court forms and dockets plus a variety of notices and management reports; an attorney system that supplies address information for notices on civil cases; a witness subpoena system for all type cases which generates subpoenas for all witnesses and, if necessary, reissues the subpoenas; a court payment system which records and receipts all transactions for restitution, alimony and child support accounts, disburses the funds, keeps disbursement histories and provides management reports on delinquent accounts; and a tracking system for the Supreme Court to assist the court in determining if it has

issued previous opinions on various issues.

The five new systems bring to 23 the number of systems in operation at the Judicial Data Center. Statewide, the SJIS network consists of 210 terminals and 28 printers at the various court sites and in Montgomery.

New systems scheduled for development include alias warrant issuance and district criminal case tracking. These systems will allow court officials on the network to properly manage a case from its beginning to its ultimate conclusion.

"Alabama is at the forefront in the development and application of computer technology for courts," said Allen L. Tapley, Administrative Director of Courts. "Our experience has successfully demonstrated that automated systems can enhance our ability to more effectively manage the work of the courts. We are committed to continue developing and expanding our automated capabilities to ensure that state courts continue to operate in a responsible, efficient manner and that the services we provide to the people of Alabama are second to none."



U.S. Supreme Court Overrules *Swain v. Alabama*

Use of Peremptory Challenges to Exclude Blacks Subject to Constitutional Attack Under Fourteenth Amendment. In a 7-2 decision, delivered by Justice Lewis Powell, the United States Supreme Court held that the same equal protection principle applied to determine whether a jury venire selection system is discriminatory also governs the State's use of peremptory challenges to strike individual jurors from a petit jury.

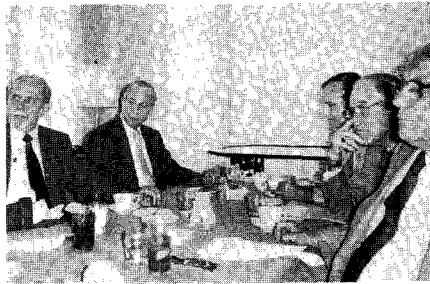
Reversing *Swain v. Alabama*, 380 U.S. 202, the Court held that, a defendant is no longer required to prove that the prosecution has established a "consistent pattern of racial discrimination" by using peremptory strikes to exclude blacks over a number of cases in order to make a prima facie showing of purposeful racial discrimination in the selection of the venire in his case.

Under this ruling, a prima facie showing of racial discrimination in violation of the 14th Amendment Equal Protection Clause can be established simply by the defendant relying on facts concerning the prosecutor's exercise of peremptory challenges in his case.

Once the defendant makes the requisite showing, the burden shifts to the State to provide a neutral explanation for excluding black jurors. The prosecutor cannot

State Personnel Board Hosts Luncheon For Retired Judges

Prior to the spring judicial courses for circuit and district judges, the State Personnel Board sponsored an informal luncheon for retired judges who participate in their hearing officer program.



Luncheon guests included (l-r) Retired Circuit Judges Ingram Beasley and Tom Huey, Birmingham; Hunter Slaton, AOC; and Retired Circuit Judges Cecil Strawbridge, Vernon; Walter Bridges, Bessemer.

Dr. Halycon Ballard, State Personnel Director, thanked the judges for their participation in the program. "You are not

only providing a monetary savings to the personnel department, but your service ensures speedy and fair hearings when employees appeal disciplinary or dismissal actions," she said.

Andrew Gentry, Vice-Chairman of the board; Dr. Ballard; and Rick Meadows, Staff Attorney, discussed with the judges recent procedure changes meant to streamline appeals and make the process more convenient for hearing officers.

Retired judges presently participating in the Hearing Officer Program are: Ingram Beasley and Tom Huey, Birmingham; Walter Bridges, Bessemer; Newton Powell, Decatur; Cecil Strawbridge, Vernon; Robert Parker, Anniston; William Byrd, Alexander City; and Robert Hodnette, Mobile.

rebut the defendant's prima facie case of discrimination by simply stating that his use of peremptory strikes was to exclude blacks, which he felt would be partial to the defendant because of their shared race.

As noted in the concurring opinion of Justice Byron R. White, "Much litigation will be required to spell out the contours of the Court's Equal Protection holding today, and the significant effect it will have on the conduct of criminal trials cannot be gainsaid."

Agencies To Receive Traffic Ticket Order Forms This Month

Law enforcement agencies will receive a UTC Inventory and Order Form (UTC-12) during the month of June. Agencies should indicate the number of unused books on hand for each series (i.e., B, C, D, etc.) and enter the number of books requested for the next calendar year.

Agencies should complete and return the inventory information by June 20 whether or not UTC's are ordered.

Gayle Griffin Prepares Final Payroll For Court Officials And Employees

The court system's "payroll lady" is leaving the Administrative Office of Courts after nine years of service.

As payroll clerk, Mrs. Gayle Griffin's motto has been "neither rain, nor sleet, nor snow . . ." can keep me from getting the payroll checks out to court officials and employees throughout the state.



Griffin

"While some court personnel may not have gotten their checks on time, Gayle always hung in there trying to locate them; and most times, she was successful," said Oliver Gilmore, Assistant Director of Administrative Office Operations.

In her career at the Administrative Office of Courts, Gayle has seen the number of persons on the payroll increase from approximately 500 people, following the assumption of judges, clerks and registers in January of 1977, to approximately 1300 people, following the assumption of employees in October, 1977.

Currently, the payroll office processes approximately 1700 paychecks every two weeks.

Aside from adding the 800 employees during the 1977 implementation to the payroll and computing cost-of-living increases for all employees, officials, and personnel by hand, the biggest challenge she has faced during her tenure has been computerization.

"We would not be able to handle the 53 different payrolls we have today if it were not for computerization," said Gayle.

"Gayle has been a real mainstay in providing accurate and efficient payroll services to court officials and personnel throughout the state," said Bob Tillman, Director of Administrative Office Operations. "She has been a superb employee who will be missed by all," said Tillman.

Gayle is leaving her challenging duties at the Administrative Office of Courts to assume full-time, equally challenging responsibilities as a housewife and mother.

Law Clerks And Bailiffs To Meet

An organizational meeting to form an association of Alabama law clerks and bailiffs will be held June 25, 1986, at 5:15 P.M. in Room 303 at the Jefferson County Courthouse in Bir-

mingham.

Information may be obtained by writing Eric Wishner, Room 303, Circuit Court, Jefferson County Courthouse, Birmingham, AL 35203.

INTERAGENCY CONFERENCE ON YOUTH

JUNE 25 - 27, 1986

MONTGOMERY CIVIC CENTER
MONTGOMERY, ALABAMA



"The Interagency Conference is a means to forge a new, cooperative partnership and improve coordination between departments and agencies involved in providing services to the youth of Alabama," said Chief Justice C. C. Torbert, Jr.

All juvenile and family court judges and chief probation officers are urged to pre-register for this most important conference.

For additional information, call Peggy D. Walker at the Administrative Office of Courts, (205) 834-7990 or (in Alabama), 1-800-392-8077.

● Law Week Celebrated Statewide . . .

Sandra Day O'Connor Speaks At Calhoun County Law Day Luncheon

U. S. Supreme Court Justice Sandra Day O'Connor addressed the Calhoun County Bar Association on May 9 in celebration of the state's Law and Court Observance Week.



O'Connor

She and her husband accepted a brass apple and personalized Washington Redskin jackets which were manufactured locally.

"The next time John Riggins (former Redskins fullback) asks me to loosen up I'll know just what to wear," she said, holding up the jacket.

The comment referred to an incident when the

Redskins player, who apparently had been drinking, told the first female high court justice to, "Loosen up, Sandy baby."

Mrs. O'Connor spoke of diversity being the strength of the Supreme Court "just as it is the strength of Alabama and of America itself."

She gave an interesting history of the four Alabamians who served on the high court -- John McKinley, John Archibald Campbell, William B. Woods, and Hugo Black. Together they served a total of 64 years.

"My appointment was out of the ordinary, I now understand, primarily because I was neither born in nor appointed from the state of Alabama," she said.

Two cases were heard by the Court -- the first, a criminal case which originated in Baldwin and Mobile counties and the second, a civil case filed in Madison County. Prior to the proceedings, Chief Justice C. C. Torbert, Jr., explained to those in attendance how the court would consider the cases and render decisions at a later date.

Judges Address Butler Co. Students

Gorman Houston, Associate Justice on the Alabama Supreme Court, and Sam (See **Law Week**, page 6)

Winners Named In Social Studies Fair Competition

As part of the court system's statewide educational program, the Alabama Judicial College Faculty Association, Claud Neilson, Chairman, provided cash awards for the annual State Social Studies Fair held in Montgomery on May 3.

Supreme Court Justice Gorman Houston judged the law and court-related projects and presented cash awards and ribbons to the first, second, and third place winners.

The first place award of \$75.00 went to Kristin Smith, Shades Valley Resource Learning Center, Birmingham. Second place, \$50.00, was presented to Carla Cole, Eufaula High School; and Lee Anne Kummer of Eastgate Middle School in Ozark won the third place award of \$25.00.

"All the projects were well thought out and very creative. I was most impressed with the students' understanding of and interest in our laws and the courts," said Justice Houston. "I urge court officials throughout the state to assist our young people in this most important area and to actively support their local law and court-related education programs," he said.

The State Social Studies Fair is sponsored by the Alabama Council for the Social Studies.

2,000 See State Supreme Court Conduct Session

The Alabama Supreme Court met in formal session in DeKalb County on May 2nd as a part of annual Law Day ceremonies.

Presiding Circuit Judge Randall Cole welcomed the justices who conducted the special session in the Rainsville Civic Center. More than 2,000 high school students, judges, local attorneys, and others from DeKalb and Cherokee counties saw the court in action.

Summer Conference Scheduled For Clerks And Registers

Alabama clerks and registers will hold their annual summer conference at Gulf State Park Resort on June 21-22.

New officers of the Alabama Association of Clerks and Registers will be elected on Saturday afternoon and will be installed that evening.

Law Week

(Continued from Page 5)

Taylor, Judge on the Court of Criminal Appeals, took part in Law Day activities held May 7 in the Butler County Courthouse.

Houston and Taylor joined Circuit Judge Arthur Gamble, District Judge Joseph Poole, and Probate Judge Calvin Steindorff in presenting an overview of the state's court system to Butler County high school seniors.

Escambia County High School Seniors Serve As Jurors

For the second consecutive year, the Escambia County Bar Association, in observance of Law Week, sponsored an actual trial of a criminal case that was decided by a jury made up of seniors from three area high schools.

A DUI case was tried by the state and the defendant stipulated that the case could be heard by the jury of high school seniors and that the verdict would be the actual verdict in the case.

Research Of Court Records Made Easier In Clay County Clerk's Office

"A job I've dreaded since I took office only took a couple of days, thanks to the help of the Administrative Office of Courts. Their hard work and cooperation will make research of our records a lot easier for my office and the people of Clay County," said Robert "Shotgun" Giddens, Clay County Circuit Clerk.

At Giddens' request, Larry Forston and Steve Tomberlin traveled to Ashland to provide records management assistance.

Many of the county's records had been moved to a balcony overlooking the courtroom and were stored haphazardly about the area, making access and retrieval extremely difficult. Most of these records were found to be eligible for immediate disposal in accordance with the retention schedule instructions.

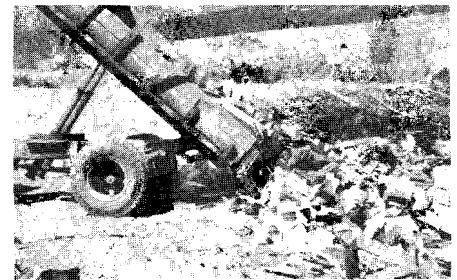
Removal of these records appeared to be a major undertaking because of the third floor location.



"Shotgun" Giddens with Clerk's office staff, (l-r) Faye Lett, Jo Bishop, and Billy Cox, are pictured in front of truck loaded with records to be destroyed.

Fortunately, it was discovered that the records could be tossed out of a window into a dump truck parked below.

Two truck loads were taken to the Clay County landfill and disposed of as required by Rule 47 of the Alabama Rules of Judicial Administration.



Clay County records being dumped at local land fill.

In all, 127 books and 117 cubic feet of other eligible records were destroyed.

Implementation of the Records Retention Schedule and organization of records storage areas are options that often result in considerable space savings in clerks' offices.

The Administrative Office of Courts Records Management Division is available to assist the trial courts with the identification and destruction of eligible records. Contact Larry Forston to schedule assistance.

Laura Calvert To Chair Committee To Revise Court Reporters' Manual

Administrative Director of Courts Allen L. Tapley has named Laura Calvert, President of the Alabama Shorthand Reporters Association, to chair a committee to work with the Administrative Office of Courts to update the Alabama UJS Court Reporters Manual.

Others serving on the committee are: Official court reporters Brenda R. Packer, Linden; Billie Jo Ingle, Jasper; Joan T. Miskelley, Jasper; David Northington, Tuscaloosa; and John Wilkerson, Clerk,

Court of Civil Appeals; Jenny Dunn, freelance reporter, Montgomery; Julia Guess, Instructor, Prince Institute, Montgomery; and Deanna Johnson, Director, Court Reporter Training, Gadsden State Junior College. Nancy Morochnick and Larry G. Forston will serve from the Administrative Office of Courts.

Mrs. Calvert has requested that all suggested additions, deletions and revisions be sent to Nancy Morochnick at the Administrative Office of Courts as soon as possible.

Golden Sworn In As Birmingham Municipal Judge

Birmingham assistant city attorney and municipal court prosecutor Aloysius Golden was recently sworn in as a judge on the Birmingham Municipal Court.



Golden

Golden will serve as a judge of the South Court, a new addition to the Municipal Court and is charged with supervision and training of all the magistrates.

"We are very pleased to have Judge Golden as a member of our judicial staff," said Judge Tennant Smallwood, presiding judge of the Birmingham Municipal Court.

Military Service May Be Added To Retirement

Under the provisions of Act 85-1001 passed during last year's Legislative session, employees and officials who have been members of the State Employees, Teachers, or Judicial Retirement Systems for six consecutive years, or former members of any of the three systems who have vested benefits may now purchase up to four years of military service credit.

This reopening of the retirement systems for military credit will end October 1, 1986.

Individuals who desire to purchase the military credit will be required to pay the current employee and employer cost for each year or fraction of a year bought.



Congratulations to Chief Justice C. C. "Bo" Torbert, Jr., who holds Rebecca Shealy Cook, his new granddaughter. Rebecca was born on May 23rd in Montgomery and is the daughter of Shealy (Torbert) and Penn Cook.

The military service credit must not have previously been used for retirement credit in the state system and credit cannot be purchased by anyone currently drawing military retirement other than disability benefits.

If you have any questions about purchasing military service for retirement credit, call 1-800-392-8077, ext. 226.



Official Court Reporters Debbie Garrett and Anna Marie Surber, of the Alabama Shorthand Reporters Association, demonstrated the use of computer aided transcription (CAT) at the judges spring conference in Tuscaloosa. A 4-hour session on evidence was recorded and, within 6 hours, an 80-page, single-spaced transcript of the meeting was completed.

Others participating in the demonstration were: OCRs Melanie Garner, Frances Looney, and David Northington; and freelance reporters Jenny Dunn, Mary King, and Sheila Ford.

Committee

(Continued from Page 1)

work was invaluable in the development of our standardized court forms," Tapley said.

Since the development of the original forms, numerous changes at the local level have significantly increased the number of forms and resulted in there no longer being a standardized set of forms in use statewide. The necessity to develop print masters for each individualized form, together with the inability of the system to take full advantage of volume discounts, has greatly increased costs.

Once the committee has completed its review

and standardized all forms, recommended new forms or alterations to existing forms must be approved by the committee before they can be drafted or changed. "The purchase of forms which have not been approved by the committee or which are not the responsibility of the court will no longer be authorized," Tapley said.

"Adherence to a standardized forms policy is a necessary ingredient for the efficient management of the Alabama court system. During this period of budget reduction, it is even more essential that we implement a standardized policy which will assist us in continuing to provide the level of service which the citizens of Alabama deserve," said Tapley.

Members of the Judicial Forms Analysis and Review Committee are: Circuit Judges Claud D. Neilson, Chairman, Linden; Richard H. Dorrough, Montgomery; J. Ronald Storey, Dothan; P. Wayne Thorn, Birmingham; S. A. Watson, Jr., Huntsville; District Judges George E. Carpenter, Tusculumbia; Sarah M. Greenhaw, Montgomery; William G. Hightower, Troy; Charles W. Owen, Gadsden; Jo Celeste Pettway, Camden; and Circuit Clerks and Registers Debra P. Hackett, Montgomery; Carol W. Kiker, Phenix City; Eddie D. Mallard, Tuskegee; Jeanell T. Raney, Cullman; Frances H. Rogers, Athens; Jean C. Scott, Guntersville; Ann W. Tate, Luverne; Veleria H. Thomley, Geneva; and Julia L. Trant, Dothan.



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