

VOL. V NO. 2

JUNE 1997



Feb. 7, 1925 - Feb. 15, 1997

A TRIBUTE TO JUSTICE OSCAR W. ADAMS JR. ASSOCIATE JUSTICE, SUPREME COURT OF ALABAMA 1980-1993

n Feb. 18, 1997, a solemn procession ascended the steps of the Judicial Building as six marshals and two state troopers accompanied the casket of Associate Justice Oscar W. Adams Jr. on his journey to the capital city. Members of the judicial family and others in the Montgomery area were honored by the opportunity to pay their last respects to Justice Adams as he lay in repose in the rotunda. His colleagues and former colleagues on the Supreme Court, judges and staff of the intermediate appellate courts, members of the Administrative Office of Courts, and Gov. Fob James, who had appointed (see "Adams" next page) The success of "TO SERVE THE PUBLIC" depends upon YOU!

It will only be through the efforts of individual attorneys and bar associations taking our positive message to the public that this presentation will be effective in creating a more positive public image for the profession.



ENLIGHTENING THE PUBLIC ON THE POSITIVE ASPECTS OF THE LEGAL PROFESSION: "TO SERVE THE PUBLIC," A VIDEOTAPE PRESENTED BY THE ALABAMA STATE BAR.



Susan Andres, dir. of communications of Ala. State Bar, and Margaret Richardson, producer with Leo Ticheli Productions, Birmingham, during filming of the State Law Library.

BY ERIC L. LOCKE

L oyola University Chicago School of Law comments that the legal profession is commonly characterized as smug, greedy, and self-serving and emphasizes that "[a]lthough antilawyer sentiment and distrust of lawyers was present even in colonial America, the public perception of the legal profession today is probably at its nadir. For example, a recent survey by the American Bar Association revealed that lawyers had a favorability rating of only forty percent. Only stockbrokers and politicians tested lower."

(see "Video" page 4)



("Adams" continued)

Adams to the Supreme Court in 1980, were among those who honored the life of this trailblazer and shared their memories with members of Justice Adams's family.

Son of a Birmingham newspaper publisher and great-grandson of a member of the Alabama Legislature, Oscar William Adams Jr. earned his bachelor's degree from Talladega College in 1944. Upon receiving his law degree from Howard University in 1947, he was admitted to the Alabama bar and launched what would become a distinguished legal career that spanned more than three decades. Beginning in the early 1960s, Justice Adams' law firm, Adams, Baker and Clemon, became one of the nation's leading firms handling complex civil rights litigation.

In 1980, Adams was appointed to the Alabama Supreme Court by Gov. Fob James. In 1982, and again in 1988, he successfully ran for the position and became the first African American in the history of Alabama to be appointed and elected to a statewide constitutional office. His retirement agenda included writing his memoirs of a career that spanned some of the most turbulent and exciting times of our state's and country's history. The comments of some of his friends and colleagues help to provide a picture of the man, the lawyer, the judge, the trailblazer.

Associate Justice HUGH MADDOX:

When he retired in 1993, Justice Adams said: "I would like to be known as a progressive, fair, honest, hardworking servant of the people." That is exactly how I remember him. He served and will continue to serve as a role model for those willing to dedicate themselves to excellence and to focus on making a difference as he did.

Associate Justice JANIE SHORES:

scar was a remarkable man and totally without bitterness. When I asked him how one who had experienced so much that is evil in man remained such a believer in the good in mankind, he answered only with a gentle smile, one that all of his family and friends saw so often. Although he was not allowed to attend the state colleges and universities, was not allowed to order food in public restaurants, and was not allowed to attend what few cultural events that occurred in Alabama, he was better educated than most of us, he had a greater appreciation for the world's finest foods and wine, and his knowledge of music and literature was the envy of many.

Associate Justice **RALPH COOK:**

Justice Adams was a trailblazer, and because he believed so deeply that our state institutions, including our judiciary, could not reach their fullest potential without the participation of all citizens, this belief most likely influenced his decision to dedicate a part of his life to serve on the Alabama Supreme Court. He brought a set of the Court are as resolve and c possessed the judges strive to even keel, op evenhanded fa A person of the harbored a line its people as should work eg the quality of Alabamians

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Judge Tammy Montgomery, Assistant U.S. Attorney Walter Braswell, left, and Assistant U.S. Attorney Carolyn Steverson.



Kinterbish Jr. High School students take oath before the "Drugs and Guns are Out!" Mock Trial.

JUDGE MONTGOMERY Participates in Mock Trial for Students

S umter County sixth and seventh grade students had their say in court. The students participated in a "mock trial" program sponsored by the United States Attorney's office, entitled "Drugs and Guns are Out!" The program, which presented the simple message that using guns and selling drugs will lead to a federal prison term, is tailored to reach middle school students, according to the United States Attorney Caryl P. Privett. The children were responsible for determining the fate of a young man charged with selling crack cocaine.

The trial was held in the courtroom of District Court Judge Tammy Jackson Montgomery, who presided over the trial and sentenced the defendant. "Because I believe that all of us are responsible for the future of our youth, it is important that we use programs such as this to deter our youth from drugs and violence by showing them what can result from criminal involvement with drugs and guns," said Judge Montgomery.

The mock trial was presented in several other counties with positive responses from both students and teachers. Ms. Privett said, "It is only when we all work together in law enforcement that we can ever hope to improve the lives of those we serve. This program is one small way that we can work toward a common goal."

Sumter County Court Programs Bring the Courts and the Community Closer Together

• Sumter County District court Tammy Jackson Judge Montgomery presented the "Children of the Village" awards to two Sumter County High School students (SCHS). The award originated from a pilot program of the same name created by Judge Montgomery at SCHS. This award recognizes one male and one female student each for "significant semester achievement in one or more areas of his or her life" including selfself-esteem, improvement, academics or community service.

• Another program started by Judge Montgomery is "Smart Moves." This juvenile crime prevention program is designed to foster a teenager's positive decision making skills and to deter the students from negative behavior both in and out of school. An activity of the program included a tour of Kilby Prison, one of Alabama's maximum security prisons.

• During Black History month, students from Panola's North Sumter Junior High School visited the Sumter County Courthouse. Presiding Judge Eddie Hardaway and Judge Montgomery explained each courtroom official's function. What followed was an opportunity for the students to play the roles of those officials. ("Video" continued)

Additionally lawyers' approval rating was the "lowest among people who were the most likely to come into contact with them." See 26 Loy. U. Chi. L.J. 61 (Fall 1994).

Loyola University also points out that "[g]eneral complaints concerning attorneys include that attorneys lack caring and compassion and that the profession fails to promote and police ethical behavior. In response to questions about what the profession could do to promote a more positive perception, forty-three percent of the people surveyed by the [American Bar Association] said that providing free legal services to the poor...would improve the public image of the legal profession."

Responding to several societal and political forces, "the legal profession has begun, on a number of levels, to transform service as an aspirational ideal of the profession into concrete action." Id.

Transforming service as an "aspirational ideal" into "concrete action" is one of the messages the Alabama State Bar promotes in its eight-minute public service video entitled "To Serve the Public." This glossy, well-produced video attempts to undo much of the bad press the legal profession endures by highlighting all of the good things lawyers do as service providers. To Serve the Public" briefly explains programs the Alabama State Bar has been instrumental in developing which directly support the public in finding quality legal representation, as well as those programs which produce long-term benefits for the community. The video explains in laymen's terms programs such as the Lawyer Referral Service, the Alabama Center for Dispute

Resolution, Law Week ceremonies, drug awareness projects, and scholarship programs. "To Serve the Public" acquaints the viewer with general information about the Alabama State Bar and the requirements it has established for lawyers in practice, and conveys that lawyers are, in fact, human beings, who, due to their chosen profession, have a unique responsibility to the public.

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"To Serve the Public" offers the viewer a brief tour of the Alabama Judicial Building where Supreme Court Justices are seen preparing to hear oral arguments, as well as introducing the viewer to the State Law Library and briefly explaining its resources and assessibility to the public. This videotape also presents the offices of the Alabama State Bar building, and highlights various prominent appellate court judges, attorneys and other leaders in the legal profession who are dedicated to serving the public. One scene in the video shows a volunteer speaking to school children about the legal profession who uses "To Serve the Public" as part of her presentation.

"To Serve the Public" inspires attorneys as well as all officers of the court to donate their time for public service, and inspires the public to trust attorneys with the various services the legal community offers.

For more information on the video or to volunteer your time to present "To Serve the Public" to civic, religious, business and community organizations, contact Ms. Susan Andres, director of communications of the Alabama State Bar, at (334)269-1515 (telephone), (334)261-6310 (fax), or comm@alabar.org (e-mail).

4

UJS/DHR VOLUNTEER PROJECT: POSSIBLE WIN/WIN

BY RICH HOBSON

The Challenge: Workloads of the clerk's offices around the state continue to increase. Due to limited funding the judicial system is unable to hire the personnel needed to relieve the excess workload from these offices. Outside the courthouse there are many ablebodied individuals who desire to work, yet they lack experience.

The Solution: The Job Opportunities and Basic Skills (JOBS) program was brought to full force by the Department of Human Resources (DHR) in 1992. This program is part of "work-fare" where Family Financial Assistance (formally AFDC) recipients continue to receive their benefits while participating full-time in the professional workforce.

Charles Story, circuit clerk, Chambers County, was the first circuit clerk in the state to utilize the DHR/JOBS program. "The JOBS program is serving two main purposes in my office," Mr. Story said. "First of all, the individual is learning marketable skills which will help her in whatever career she decides to pursue. Second, her



assistance is enabling our office to provide better service to the people of Chambers County." Ted Hooks, circuit clerk, Calhoun County, is also participating in the program. Mr. Hooks praised the DHR/JOBS program and was especially impressed with the caliber of individuals referred to his office. Alice Cornelson, district court clerk, Mobile County, found the program beneficial and hired one of her JOBS placements in a temporary position.

The DHR/JOBS program is easy to implement. After an agreement has been made by the supervising authority (the circuit/district clerk) and the county DHR, prospective applicants are interviewed by the circuit clerk. Chosen participants begin a 13-week stint working in various jobs within the clerk's office. After the initial 13-week period, the program may be extended an additional 13 weeks-equaling 6 months of full-time work experience.

What is the payoff for these individuals? Why are they motivated to donate 40 hours per week? For the work experience. And, when deserved, to receive a good job reference.

Four pilot sites were initially chosen to test the program's merits. Since the Circuit and District Clerk's Annual Conference in January, contacts have been made in 18 counties across the state. The DHR program is available in all 67 counties and could prove to be a valuable resource for the judicial system. The program fits Chief Justice Perry O. Hooper's and Frank Gregory's, administrative director of courts, vision of bringing courts and communities closer together.

For more information concerning this program, please contact Rich Hobson, AOC, at (800) 392-8077 or (334) 242-0300.

COURT BRIEFS

Stop the Press!

The FY 1996 Annual Report and Statistical Addendum have been published. The statistical information was separated from the report to reduce publication costs and to make it more convenient for the users. The FY 1996 Annual Reports and COURT BRIEFS

statistical addendums will be distributed to the circuit and district judges and clerks during the annual summer conferences. For anyone who needs a report before their scheduled conference, please contact Sheila Wall, AOC, public information office, at (800) 392-8077 or (334) 242-0880.

COURT BRIEFS

Summer Conferences

Juvenile Probation Officers
Institute June 25-27,
Quality Inn-Gulf Shores

Circuit and District Clerks
 Annual Conference July 9-11,
 Quality Inn-Gulf Shores
 (see "Briefs" next page)

LIFE ON THE OUTSIDE

BY JOHN DAVIS

C ince my retirement in January **N**I have adjusted to a very different way of spending my week days. Most surprising to me has been how very busy I've been without having a "real job!" Jill tells me she sees no more of me now than before I retired. I leave home most mornings and usually don't get back until time for the news on TV. I carry a cell-phone with me and have given out that number so that our personal, unlisted phone number at home will not be overused. Nonetheless, I sometimes find myself on one phone while waiting for a call on the other. This is not what retired folks are supposed to be doing! I can tell when our home phone has been busy with my calls: Jill starts referring to herself as my message center. She has, however, been a great teacher for me. She's instructed me on making up the bed, on taking but the garbage, and on fixing an occasional meal for myself.

My day typically involves some time spent at the church where I am

serving a year's term as senior warden, and doing those very administrative-type things that I thought I had given up when I retired as presiding judge of Montgomery's Family and Juvenile Court. Most days I work some on the estate of a favorite cousin who died last year in Michigan. I also enjoy spending time with my parents who are 91 and 88 years old, still living at home, and are a real hoot. Do you have any idea how long old folks wait at various doctors' offices? It's incredible! I enjoy visiting with former associates but try not to interfere. I think I have been successful in my intent to not offer advice on how they should sail the ship without this captain at the helm.

The Chief Justice has sent me on assignment to several different jurisdictions around Alabama to help out and that has been quite interesting. I've discovered that an out-of-town judge is viewed differently—and possibly more reverently—than the hometown judge is. At one courthouse I called the opposing attorneys to the bench to ask, with some embarrassment, "do you lawyers know what the law is on this issue?". One lawyer looked at the other and then back at me. "No, your honor," he said, "but whatever you just fine with

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("Briefs" continued)	Holiday Inn-Gulf Shores	court training	spring.
Circuit and District Judges		These one days sen	t seven
Annual Conference July 20-23,	 Municipal Orientation 1-B 	sites through the	ill cover
Gulf State Park-Gulf Shores	August 15, Judicial Building-	an array o ju nani	ncluding
	Montgomery	juvenile carefi re r, re	policies
 Court Reporters Annual 		and procedures are	e of the
Conference July 20-23,	Juvenile Court Seminars	State Judicia	System
Island House-Gulf Shores	<u>Underway</u>	(SJIS) automatic	system.
		The training session	n pvide an
 Judicial Assistants Annual 	The Trial Court Services Division of	education: compose	juvenile
Conference August 6-8,	AOC is conducting regional juvenile		ext page)

6

CONFLICT RESOLUTION ON PARENTS EXPRESS

Discussing conflict resolution on Cable TV's *Parents Express* are from left, Rich Hobson, AOC; Joanne Shum, producer of *Parents Express*; Judge Joel Dubina, 11th Judicial Circuit, U.S. Court of Appeals; and Judy Keegan, Alabama Center for Dispute Resolution. The 30-minute talk show aired in April and focused on alternative ways for children and adolescents to manage conflict.

SJIS MANAGEMENT Program Instituted

A s requested by State Justice Information System (SJIS) users, the AOC has designed and implemented a program to manage changes to the state judicial computer system. The program basics include:

• Weekly meetings are held to consider requests for changes to SJIS. Approved changes are scheduled for



completion and notification to SJIS users.

• A monthly newsletter, *SJIS Changes*, is published by the Trial Court Services Division in coordination with the Management Information Systems Division. The newsletter is sent to presiding circuit judges, circuit clerks, district clerks, and chief juvenile probation officers on the last Friday of each month.

• The changes to SJIS listed in the newsletter are implemented on the 15th of the month following the newsletter. The only exceptions to this policy would be changes to the financial system, which are being implemented on the first of the month one month after publication.

The purpose of this management program is to provide a consistent method of implementing changes and providing information to SJIS users statewide in a timely manner prior to changes being made. If you have any questions about this program, please contact Trisha Campbell, AOC's Trial Court Services Division, (800) 392-8077 or (334) 242-0300.

COURT BRIEFS

("Briefs" continued) judges, clerks, court specialists, judicial assistants, juvenile probation officers and others who work in the juvenile area.

It is not too late to be included in these seminars as several sessions are scheduled in the month of June. For more information about these seminars, contact Trisha Campbell, Trial Court Services Division, or for questions regarding

COURT BRIEFS

seminar registration, contact Vonda Sanders, Alabama Judicial College. Both can be reached at (800) 392-8077 or (334) 242-0300.

New M Series Uniform Traffic Citation and Complaint Currently in Use

The Supreme Court adopted the M Series of the Uniform Traffic Citation and Complaint on March

COURT BRIEFS

18, 1997, to be effective immediately by amending Rule 19 of the Alabama Rules of Judicial Administration. The Court further ordered that the L Series traffic ticket should be used by law enforcement agencies until supplies are depleted. The L Series will continue to be used until there is an official retirement/recall (See "Briefs" page 10)

COURT PERSON Jan. 23, 1997 - April 30,

RETIREMENTS

BARBARA P. BOONE, merit court reporter, 10th Judicial Circuit (Birmingham), retired March 31, 1997. Ms Boone served in the Judicial System for 19 years.

ROBERT L. BYRD JR., circuit judge, 13th Judicial Circuit, retired Jan. 1, 1997. Judge Byrd served in the Judicial System for 16 years.

LOIS CLEMENT, judicial assistant to Judge Carlton Mayhall Jr., 25th Judicial Circuit, retired April 30, 1997. Ms. Clement served in the Judicial System for 16 years.

GEORGE MI. FURQUERON, COURT referral officer for Judge William B. Matthews Sr., district judge, Dale County, retired Feb. 28, 1997. Mr. Furqueron served in the Judicial System for 12 years. He was the state's first court referral officer.

JAMES **T. GULLAGE**, circuit judge, 37th Judicial Circuit, retired March 3, 1997. Judge Gullage served in the Judicial System for 20 years.

ROGER D. HALCOMB, circuit judge, 10th Judicial Circuit (Bessemer), retired April 30, 1997. Judge Halcomb served in the Judicial System for 19 years.

BILLIE JO INGLE, official court reporter for Judge James C. Brotherton, 14th Judicial Circuit, retired March 31, 1997. Ms. Ingle served in the Judicial System for 23 years.

CLARENCE A. LOTT JR., court attendant for Judge Cain J. Kennedy, 13th Judicial Circuit, retired March 31, 1997. Mr. Lott served in the Judicial System for 17 years.

JOYCE H. MARTIN, register, Winston County, retired Feb. 28, 1997. Ms. Martin served in the Judicial System for 26 years.

JEAN E. RILEY, circuit clerk for Conecuh County, retired Jan. 15, 1997. Ms. Riley served in the Judicial System for 20 years.

MILDRED SHOULTS, court specialist III, Lowndes County Circuit Clerk's Office, retired April 30, 1997. Ms. Shoults served in the Judicial System for 24 years.

IN MEMORIAM

MARQUETTIA D. CHAPPELLE, court specialist III, Escambia County Circuit Clerk's Office, died March 13, 1997. Ms. Chappelle served in the Judicial System from June 1975 until her death. She is survived by three daughters, Angelique, Kimberly and Tamra.

G. Ross BELL, former Jefferson County family court judge, died on Feb. 28, 1997. Judge Bell retired from the len up in Fou Norwoo Phillips Hig graduated Southern Co University School in 19 judge in 1 Family Cou is survived Hughes Hell Barbara Lea T. Bell, both a sister, M Bessemer

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JOHNSTON SWORN IN AS MOBILE CIRCUIT JUDGE

M obile attorney Joseph (Rusty) Johnston Jr. was sworn in as a circuit judge on April 18, 1997. Judge Johnston, appointed recently by Gov. Fob James, replaces 13th Judicial Circuit Judge Robert L. Byrd Jr. who served on the bench from 1981 to 1997.

Judge Johnston's ceremony took place in the Mobile County Judicial Complex. The oath was administered by Alabama Chief Justice Perry O. Hooper Sr. and was attended by a host of district, circuit, appellate and federal judges.

PERSONNEL PROFILE

A labama's last jury commissioner has retired. March 28 was Toy Mitchell's last day to work in the Morgan County courthouse.

During her 32 years of service, Mrs. Mitchell has brought jury service a long way in Morgan County. In 1965, she said, 3,000 residents were qualified as jurors. Now, the county has 80,000 residents approved for jury service four of every five residents. "I've met a lot of belligerent souls," Mrs.



Newly sworn-in Mobile Circuit Judge Rusty Johnston, center, shares a light moment with his wife Barbara, daughter Claire, son Sydney and Chief Justice Perry O. Hooper Sr.

Mitchell said with a laugh. "The best thing to do is to try to keep a sense of humor."

And according to officials and employees at the courthouse, she has accomplished that and more. "She's wonderful," said Circuit Judge Glenn Thompson. "She's so pleasant to work with. She's meticulous in the way she keeps records. She's meticulous in the way she handles people. She's very conscientious."

Upon entering retirement, Mrs. Mitchell has plans to visit Greece and Australia, volunteer in the community, catch up on her reading, work in her yard and play bridge. "I have met an awful lot of people," she said. "That's a nice part of the job. But I've missed a lot by working."

She said she'll live in Decatur but can't wait to travel more often to Birmingham and Albany, Ga., to see her family. "I'm going to go wherever my children and grandchildren want me."

This is a revised article taken from The Decatur Daily. The original author was Decatur Daily staff writer Seth Blomeley.

Court Officials and Employee Appointed to Governor's Advisory Council on Domestic Violence

n May 16, Gov. Fob James appointed several judges and

a court employee to a board that will help guide him on domestic violence matters. The Governor's Domestic Violence Advisory Council of 25 Alabamians includes Judge Larry Anderson, 20th Judicial Circuit; Dothan, Judge Sandra Storm, 10th Judicial Circuit; Birmingham, District Judge Peggy Givhan, Montgomery, and Angelo Trimble, AOC director of the Judicial System Study Commission.

Membership includes victims, as well as interested members of the general public, elected officials and professionals from state, county and city government and the nonprofit agencies that work directly with victims.



We Made It!

Judges Gay Lake, 6th Judicial Circuit, Bill Hereford, 30th Judicial Circuit, and Jim Hill, St. Clair County district judge, finish in unison during last year's judges'

race at the Circuit and District Judges Annual Conference. At this summer's conferences, the judges and the clerks will have a 5K Run/Walk.

COURT BRIEFS

COURT BRIEFS

("Briefs" continued) of that series by the Administrative Director of Courts. Several law enforcement agencies are now using the new M Series traffic tickets. Instructions for completion of the Complaint and Affidavit portion of the ticket have been provided to law enforcement agencies. Instructions for the completion of the Court Record portion of the ticket will be available for courts in the near future. Information regarding the use of this new ticket may be obtained from Liz Duke, AOC's Trial Court Bervices, at (800) 392-8077 or (334) 242-0300.

Judge Segrest Appointed to National Education Committee

Judge Dale Segrest was recently appointed as the vice-chairperson of the Judicial Education Committee or the American Bar Association's National Conference of State Trial Judges. The appointment stemmed from Judge Segrest's development and work with the Foundations in Pluralism program.

September Enrollment Month for P.A.C.T.

September is the open enrollment month for the Prepaid Affordable College Tuition (P.A.C.T.) Program. Through P.A.C.T., state employees contract for the years of functuition and main of Alabama's universities. year's contramust be eca the State Tra-1997. Brock applications Joe Matical Division, 80 242-0300

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