



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

# ALABAMA COURT NEWS

Newsletter of the Alabama Judicial System

March, 1986

## CRO Meetings Held In Four Pilot Areas

Legislators, judges, mayors, councilmen, law enforcement officers, and other area officials gathered in Decatur, Ozark, Montgomery, and Grove Hill in January and February to learn about the work of the newly developed Court Referral Officer Program and to hear how they could benefit from it.

"The Court Referral Officer Program is new, but we feel it has the potential to make a significant impact on the DUI problem facing our state," said Chief Justice C. C. Torbert, Jr.

"The most important aspect of our work in the DUI area today is our comprehensive approach to the problem," said Allen Tapley, Administrative Director of Courts. "We've recognized that not all DUI offenders are alike and that the same program will not work for all of them. Our judges need help in determining which offender needs what type of help."

Supervising judges in the four pilot areas (pictured at right) welcomed participants and discussed how the new program was designed to work in their area.

## General Fund Revenue Shortfall Leaves Trial Court Budget In Limbo

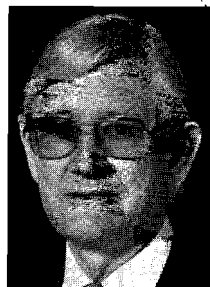
The State Judicial System and other agencies which are funded from the state's general fund are facing potential budget reductions for the fiscal year beginning October 1, 1986.

Instead of a needed 9.5 percent increase in next year's appropriations, proposals have been made to reduce the trial court budget by 4.5 percent.

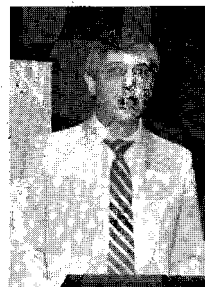
Administrative Director of Courts Allen L. Tapley said that a 4.5 percent budget reduction would severely cripple state court

operations. Assuming such a reduction is enacted, the following reductions would be necessary to keep the courts open for business:

- 1) No new positions, effective immediately.
  - 2) No merit raises, beginning Oct. 1, 1986.
  - 3) Vacancies would have to remain unfilled, whenever possible.
  - 4) No judicial training and education.
  - 5) No out-of-state travel.
  - 6) A reduction in in-state travel.
  - 7) Reduce professional services by \$600,000. This budget category primarily consists
- (See *Budget*, Page 2)



Val McGee



Harold Crow



Lynn Bright



David Bibb

(See *CRO*, Page 2)

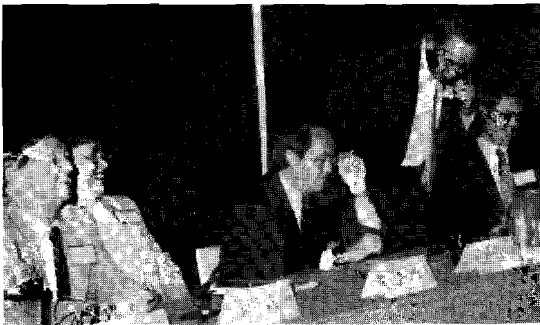
## Governor Proposes Solution To Raise \$52 Million . . .

Governor George Wallace has proposed a package of revenue bills to the legislature which would raise approximately \$52 million from taxes on beer, cigarettes, track gambling profits, the sulfur produced from oil and gas wells and by requiring 36 electricity-producing cities to pay the same 2.2 percent utility tax independent utilities are assessed.

The tax proposals, if enacted, would not likely

(See *Governor*, Page 7)

## Court Reporters Hold Mid-Winter Seminar



PANEL OF EXPERTS DISCUSSES DOS, DON'TS, AND WHYS OF REPORTING----(l-r) Circuit Judge George H. Wright, Jr., Nancy L. Morochnick, Circuit Judge Mark Kennedy, Houston County District Attorney Thomas W. Sorrells, and District Judge Charles W. Owen.



SEMINAR PARTICIPANTS----(l-r) David Northington, Ron Embry, Judy Hughes, Laurie Calvert, Frances Looney, Sherry Barlow, Jenny Dunn, Mary King, and Virginia Flowers.

### Budget

(Continued from Page 1)

of petit jury and grand jury costs. 8) Reduce the system's supply budget by 67 percent. This amounts to a \$1.1 million reduction. 9) Reduce the equipment budget by \$1.4 million, leaving \$100,000 for emergency purposes.

If the trial court budget were to be funded at the current appropriation (level funding), Tapley stated that the following reductions would be necessary:

- 1) No equipment purchases.
- 2) No out-of-state travel.
- 3) No new positions, effective immediately.
- 4) Severe reduction in supply budgets.

Tapley said it is essential that court officials and employees discuss these proposed budget reductions with legislators. "Let them know how it will affect your offices and make sure they are aware that virtually all of the trial court budget is used to pay salaries and support court offices

which provide direct service to the citizens in each of the state's 67 counties," he said.

The reason for the current general fund funding crisis is a projected revenue shortfall of some \$23 million for the fiscal year beginning Oct. 1, 1986. This is primarily brought about by a projected decrease in interest rates, thereby reducing general fund revenues from trust fund accounts.

### CRO

(Continued from Page 1)

They specifically stressed that the Court Referral Officer Program has long been needed to assist the courts in dealing with the defendants' criminal behavior as well as problems associated with their drinking. The functions of the CRO, they added, are in addition to any punishment assigned by the court.

Clarke County District Judge Harold L. Crow told the group that under the

program, "a court referral officer will provide a professional evaluation of DUI defendants and recommend to the judge appropriate resources to which defendants with alcohol problems may be referred for counseling and treatment."

"In areas where public or private treatment programs are not available, the officer will be involved in the development of local community resources," Crow said.

Officials attending the four programs were urged to support new legislation proposed to make it mandatory for **all** DUI offenders to attend a certified or approved program. They were also urged to support their local court referral officer and the DUI program.

"These meetings have given us the opportunity to inform our legislative representatives and our court officials of the progress we are making in this area. I'm pleased to be involved in this project," Torbert said.

## Key AOC Staff Members Assume New Leadership Responsibilities

Allen L. Tapley, Administrative Director of Courts, has announced that Thelma P. Braswell, Director, Alabama Judicial College; Frank W. Gregory, Director, State Court Operations; and Hunter Slaton, Assistant Director, State Court Operations, have assumed new assignments of leadership responsibility within the Administrative Office of Courts. These changes were effective March 3, 1986.

Thelma has assumed the position of Director of Court Relations. She is responsible, along with Bob Martin, Director of Administrative Services, for coordinating governmental relations with legislative and executive officials and for liaison with other national, state and local groups, and professional associations.



Thelma Braswell

She will develop and coordinate all Administrative Office programs and publications designed to educate and inform the public.

Frank is now Director of the Alabama Judicial College program and is responsible for the management of the judicial education program for the officials and employees of the Alabama court system.

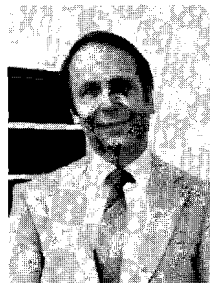
"Frank's years of experience and leadership in public education and trial court management make him uniquely qualified to maintain our tradition of quality judicial education and to provide direction in the future for the Alabama Judicial College," said Tapley.



Frank Gregory

Hunter has assumed the position of Director of Court Assistance. This division replaces the State Court Operations Division of the Administrative Office and is responsible for coordinating technical and general court assistance and consultant programs for all Alabama courts.

"Hunter's previous service as a circuit clerk, federal court clerk, and his past seven years of successful service with the Alabama court system will enable this office to provide a strong and effective program of trial court management and technical assistance," Tapley said.



Hunter Slaton

"Each of these fine leaders in judicial administration are well known by all of

## Crow and Austin Named to Faculty Association Board

Harold L. Crow, District Judge, Clarke County, and Kenneth C. Austin, Clerk and Register, Lauderdale County, were recently installed as members of the Board of Directors of the Alabama Judicial College Faculty Association at its semiannual meeting in Montgomery.

Claud D. Neilson, Presiding Judge, 17th Judicial Circuit, was elected to succeed Doris T. Turner, Circuit Clerk, Tuscaloosa County, as Chairman of the Board, and James E. Berry, Assistant Director of the Alabama Judicial College, was re-appointed Secretary-Treasurer.

Members of the Board of Directors are selected by the various judicial associations.

Three additional members serve by virtue of their respective offices: C. C. Torbert, Jr., Chief Justice; Allen L. Tapley, Administrative Director of Courts; and Frank W. Gregory, who replaced Thelma P. Braswell as Director of the Alabama Judicial College on March 3.

you, and they have made significant contributions to our system in past years," said Tapley. "I know you will support and wish each of them success as they assume their new roles of responsibility. We are confident these changes will enable the Administrative Office to serve the system in an improved manner."

## Guidelines For Dependent Health Insurance Enrollment Outlined

Employees of the Unified Judicial System may elect to provide health insurance for their dependents within 60 days of their employment, within 31 days of acquiring dependents, or during the annual open enrollment period held each September and October.

**Prospective parents who do not have dependent coverage and wish to provide health insurance as of the date of birth must submit an enrollment form with the name of the newborn to the AOC Personnel Division within 31 days following the date of birth. Any other family members to be covered should be included on the form.**

Premiums for the first month's dependent coverage will be prorated; therefore, you should contact the AOC Personnel Division as soon as possible after the birth to determine the exact cost for the first month's coverage. The current monthly rate for family coverage is \$82.50.

If prospective parents already have dependent coverage, the newborn will be covered as of the date of birth. However, a new enrollment form for the newborn must be submitted to insure that the baby's name is on the contract and that any claims submitted for medical services provided to the child will be covered.

Employees who have family coverage and wish their full-time student children over the age of 19 to continue their health insurance coverage must notify the State Employees' Insurance Board within 31 days after the child's 19th birthday. The notification letter should specify that the student is unmarried, wholly dependent upon the parent for maintenance and support, and registered in regular full-time attendance at an accredited secondary school, college, or university, or institution for the training of nurses. The letter should include the name of the school and the approximate enrollment date.

Letters should be addressed to: Ms. Lana Calhoun, State Employees Insurance Board, 135 South Union Street, Montgomery, AL 36130, with a copy to the AOC Personnel Division.

If you have any questions concerning your health insurance, call the AOC Personnel Division, 1-800-392-8077, Ext. 226 or 256.

### Thomas Edward Callan

Thomas Edward Callan, supernumerary court reporter in the 16th Judicial Circuit, Gadsden, died on January 9, 1986. Mr. Callan had served as an official court reporter since July, 1934. He assumed supernumerary status on October 25, 1982.

## New District Judges Attend Four-Day Orientation Program

The state's eight new district court judges participated in a four-day orientation program in Montgomery during the month of February.

The opening day's agenda included an Overview of the Unified Judicial System, followed by sessions on Judicial Ethics, Problems of the New Judge, and the Role of the Administrative Office of Courts.

The remainder of the week was devoted to procedural aspects of the respective jurisdictions of the district court.

Experienced judges served as faculty.



**PROGRAM PARTICIPANTS----**(Top, 1-r) Gordon R. Batson, Escambia County; Fred R. Steagall, Dale County; Joel G. Holley, Chambers County, Instructor. (Bottom, 1-r) Aubrey Ford, Jr., Macon County, Instructor; Larry E. Pilgrim, Cleburne County; and Richard L. Osborne, Greene County.

# The Board Of Pardons And Parole : A Vital Link In The Justice System

"The Board of Pardons and Parole plays an increasingly important and pivotal role in the criminal justice system in Alabama," said Ealon M. Lambert, the Board's Chairman.



Lambert

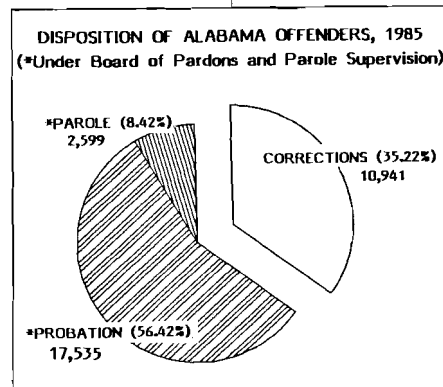
"Of the 31,075 criminal defendants under state supervision as of Sept. 30, 1985, 65 percent or 20,134 have been sentenced to probation or are on parole, while 10,941 are serving their sentence in a Department of Corrections institution or program," Lambert said.

"While justice is the main consideration in our criminal justice system, economics must also be taken into account," said Lambert.

"The Department of Corrections currently estimates that it costs \$8,200 per year to house a prisoner. The cost of supervising a defendant on probation or parole is \$394. With the escalating cost of building prisons, probation will remain a sentencing option which makes economic sense," Lambert said.

"With the two-to-one ratio of defendants on probation and parole to incarceration and a steadily increasing caseload, the importance

of maintaining probation and parole as a viable and effective alternative is more important than ever," said Lambert.



How to maintain public confidence in probation and parole is a constant concern to Lambert and fellow board member John T. Porter. According to Porter, Alabama's average caseload per probation and parole officer of 205 is triple the national standard.

"In making recommendations to a judge regarding a defendant who may require close supervision, probation officers must take into account their workload and their ability to adequately supervise the defendant.

"Likewise, the board must

also consider the ability of the parole and probation officers to supervise defendants who are being considered for parole who may require intensive supervision," said Porter.

As part of their supervision duties, parole and probation officers also have responsibility for insuring that defendants who have been ordered to pay restitution as part of their probation or parole agreement are in fact doing so.

In 1985, \$1.8 million in restitution was collected by circuit clerks from defendants who were on probation or parole. Pardons and parole officers also collected \$1.3 million in supervision fees which assist the board in reducing the costs of field probation services.

Along with supervising probations and parolees, parole and probation officers spend much of their time preparing pre-sentence investigations on defendants who have been convicted in circuit court of a criminal offense.

(See Board, Page 6)

	CASELOAD DATA				
	FY 1981	FY 1982	FY 1983	FY 1984	FY 1985
Number of Officers	85	124	125	123	122
Parole Cases Supervised	4,006	4,291	3,500	2,415	3,516
Probation Cases Supervised	14,886	18,728	19,740	17,219	21,492
Total Caseload	18,892	23,019	23,240	19,634	25,008
Average Cases Per Officer	222	186	186	160	205

## Dispositions Of Appealed Traffic Cases Are To Be Reported To DPS

Several questions have surfaced regarding the reporting of dispositions of cases appealed to the circuit court to the Department of Public Safety. The current procedure for reporting appealed cases was implemented in November, 1984.

The circuit court clerk is responsible for reporting dispositions of appealed cases to Public Safety and to the lower court.

When a case is appealed from a municipal or district court, the clerk of the court forwards the white copy of the ticket, along

with the notice of appeal, bond and other paperwork, to the circuit clerk. Upon disposition of the case, the circuit clerk should prepare a Supplemental Disposition Report (UTC-5), in duplicate. The original UTC-5 and the white copy of the ticket are forwarded together to Public Safety. The duplicate UTC-5 is sent to the municipal court.

If any court is experiencing a problem with this procedure and requires assistance, please contact the UTC Control Unit of the Administrative Office of Courts.

## Board

(Continued from Page 5)

Based on interviews with the defendant's family, friends, employer, law enforcement officers, and victim, the pre-sentence investigation provides the sentencing judge with a detailed report of the defendant's social and criminal history.

The report aids the court in determining whether or not to sentence the defendant to prison or probation and in determining the length of the sentence or conditions of probation.

If the defendant is sentenced to prison, the pre-sentence investigation is forwarded to the Department of Corrections and the State Board of Pardons and Parole. Prison officials use the report in determining the defendant's prison and program assignment.

Parole and probation officers also make parole investigations which involve evaluating each inmate on the parole consideration docket. This includes assessing the offender's prison behavior, the proposed home and employment program, and prison officials' opinions.

During 1985, parole and probation officers performed 9,396 parole investigations and 14,888 probation investigations for a total of 24,284 investigations.

**"At the Board of Pardons and Parole, we are dedicated to the goal of protecting the community from the criminal element in our society. We are also dedicated to providing the type of close supervision to defendants that will direct them toward a more productive life in our communities," said Lambert.**

## Too Busy To Vanish

Ann Grogan McKinney was recently featured in **The National Shorthand Reporter** magazine. Quoting from a story which appeared in the Daily Home newspaper, the article refers to Ms. McKinney as belonging to a "vanishing breed of court reporters."

Ms. McKinney is a pen writer and is perhaps one of approximately ten pen writers now recording proceedings in Alabama.



Ann McKinney

She began work for Judge Harry Teel in Talladega when the 29th Judicial Circuit was first created and has served as an official court reporter for 30 years. She now works for Presiding Circuit Judge William C. Sullivan, whom she refers to as "a fantastic judge."

Ms. McKinney has been active in the National Shorthand Reporters Association and is a past president of the Alabama Shorthand Reporters Association.

She believes that since the advent of Computer Aided Transcription (CAT) pen writers are indeed a "vanishing breed." However, she says, "I'm personally too busy and too interested in my work to consider 'vanishing' from the scene very soon."

## Regional Seminars Planned For Court And Police Officials

The Municipal Court Operations Division of the Administrative Office of Courts will conduct a series of regional seminars for municipal court clerks, magistrates, and police officials from throughout Alabama in March and April.

The seminars will include sessions on the new driver license, records retention, Alabama's DUI Court Referral Program, updates on the Uniform Traffic Ticket and UTC Manual, bond forfeitures, failure to appear, failure to pay, traffic ticket audit trail, practical aspects of magistrates' duties, issuing complaints, and the use of Title 13A in drafting nontraffic complaints.

The four seminars will be conducted in the following locations: March 27-28 - Huntsville, Regis Inn; April 10-11 - Birmingham, Holiday Inn-Medical Center; April 17-18 - Mobile, Econo Lodge Resort and Conference Center; and April 24-25 - Montgomery, Holiday Inn Capitol.

## Governor

(Continued from Page 1)

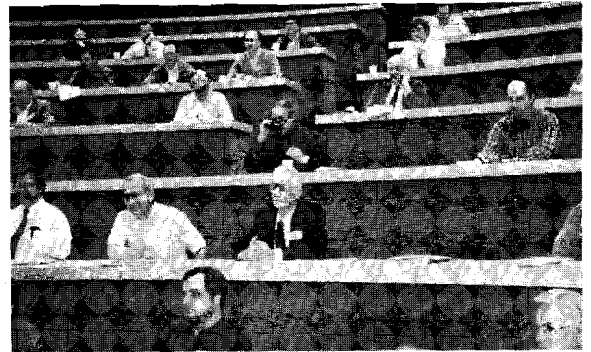
be used to enhance the trial court budget. In his Thursday address to the legislature, the governor mentioned Pensions and Security, Mental Health and Mental Retardation, Corrections, Public Safety, and Medicaid as the likely recipients.

Some legislators, however, have suggested that the

## Municipal Judges Meet In Tuscaloosa



FEATURED SPEAKERS---  
(l-r) Municipal Judges  
Brad Bishop, Pelham;  
and John G. Lowther,  
Vestavia Hills, also  
President, Municipal  
Judges Association.



Alabama's municipal court judges gathered at the Law Center on the University of Alabama campus for an in-service seminar in February. The major focus of the conference was an in-depth, four-part discussion of Alabama's DUI problem, from arrest to sentencing.

## Four Two-Day Programs Planned For Clerks, Registers & Employees

For the second year, the Alabama Judicial College will hold regional meetings for clerks, registers, and employees from local offices to discuss the problems they encounter in their daily routines. The meetings will be on Wednesdays and Thursdays in four locations.

On Wednesdays, the agenda will include a discussion of restitution by Debbie Hackett, Circuit Clerk, Montgomery County, and Mike Carroll and Lynda Flynt of the Administrative Office of Courts. A roundtable discussion of criminal case procedures will follow. Participants will be asked to share ideas and suggestions.

In the afternoon, Julia Trant, Circuit Clerk, Houston County, will explain the

money generated by the new revenue could be used to bring proposed departmental budgets up to current

basic procedures for appeals. Time will be allocated for discussion.

The Thursday mornings' agenda will be devoted to civil case matters. Billy Harbin, Circuit Clerk, Madison County, will discuss "Detinue," and "Executions" and "Garnishments" will be presented by Kenneth Austin, Circuit Clerk, Lauderdale County. The afternoon will be devoted to a roundtable discussion of civil case procedures.

The meetings are scheduled as follows: March 19-20 - Montgomery, Ramada Inn East; March 26-27 - Decatur, Holiday Inn; April 9-10 - Birmingham, Holiday Inn Medical Center; and April 16-17 - Evergreen, Holiday Inn.

funding levels, which would leave some \$28 million to increase spending where federal reductions are made.

## Birmingham Municipal Court Says Good-Bye To Oscar Stillwagon

Employees and friends of Oscar Stillwagon honored him with a reception on January 31, 1986, when he retired after 35 years of service to the city of Birmingham. He had served as chief court clerk of the Birmingham Municipal Court for the last 17 years.



(l-r) Judge Smallwood with Mr. and Mrs. Stillwagon.

At the reception, Presiding Birmingham Municipal Court

## Congratulations!

Tuscaloosa County District Judge Barbara Mountain and her husband Delaine are the proud parents of a baby daughter. Catherine Boak Mountain was born New Year's Day and weighed 7 lbs. 2 ozs.

Bullock County District Judge Dwight Hixon and his wife Darlene also have an addition to their family. Charles Graham Hixon was born January 14, weighing in at 9 lbs.

Judge Tennant Smallwood praised Stillwagon for his years of dedicated service to the court. "He has been the backbone of our court operations and has kept the court going through good and bad times," he said.

## Vanderhoef Moves To West Coast

Former Colbert County District Judge Jerry M. Vanderhoef has accepted an appointment as an Administrative Law Judge with the Office of Hearing and Appeals, Social Security Administration, in Fresno, Ca.

Vanderhoef advises that his address is 906 "N" Street, Suite 120 in Fresno, phone (209) 487-5258 and invites anyone on a "West Coast junket" to come by for a visit.

Though sad to be leaving his court "family", Stillwagon is looking forward to his retirement. He and his wife Ruby plan to remain in the Birmingham area where they have lived for the past 40 years.



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