



# COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

Volume 6/ Number 5

May, 1982

## JUDICIAL BUDGET OK'D

### LEGISLATURE ADOPTS ONE-FOR-ONE JURY STRIKE

*The following legislative report was compiled and written by Robert Martin, director of administrative services and Pat Harris, administrative assistant to the Chief Justice.*

The Alabama Legislature ended its 1982 regular session on April 26, after approving a general fund budget which provides an appropriation of \$51.5 million for the judicial branch of state government.

The judicial budget is broken down as follows:

|                             |              |
|-----------------------------|--------------|
| Supreme Court               | \$ 2,972,000 |
| Court of Civil Appeals      | 751,613      |
| Court of Criminal Appeals   | 1,109,765    |
| Judicial Inquiry Commission | 73,511       |
| Trial Courts/AOC            | 46,547,867   |

"The budgets, as passed, were essentially what was requested by the judiciary and we are appreciative of the legislature for their support of our budget request," Chief Justice C. C. Torbert said.

Torbert said that after all the increases mandated by other legislation, such as salary adjustments, are stripped away, the increase for the operation of the judiciary amounts to less than two percent.

"We are proud of the fact that we were able to present to the Legislature a budget request that was fis-

cally responsible. The credit for this accomplishment must go to judges, clerks and registers, court administrators, court employees, and the Administrative Office of Courts," Torbert said.

Legislation authorizing an 11% pay increase for all state employees beginning on Oct. 1, was passed and signed by the governor. This bill also includes clerks and registers.

In other matters involving salaries, the following action took place:

- Legislation was approved and signed by the governor giving court reporters whose salaries are fixed under the provisions of Section 7-110(c) Subsection (3) of Act No. 1205 of the 1975 regular session, a \$3,000 annual pay raise. The raise became effective immediately on the bill being signed into law. The bill, however, prohibits those reporters getting the raise from receiving the cost-of-living raise on Oct. 1.

- The Legislature adopted a resolution adopting a new pay and classification plan for state employees. According to the State Personnel Board, this new plan is scheduled to go into effect on May 26. The new plan provides a wider range of pay steps for most classifications and provides a 2½% rate of increase between steps. This was not true in the old plan. The new plan will ultimately give administrators limited authority to pro-

(Continued on Page 2)

vide annual merit raises based on the level of performance of employees. Administrators will be more fully advised about this plan in the near future by the Administrative Office's Personnel Division.

- The report of the Judicial Compensation Commission became law upon adjournment of the Legislature on April 26. The report provides the following state salaries for judges: Chief justice - \$58,500; Associate justices - \$58,000; presiding appeals judges - \$57,500; appeals judges - \$57,000; circuit judges - \$48,000; district judges - \$38,400.

In addition to the budget and salary measures, the Legislature approved and the governor has signed the following legislation which affects the judicial system, its judges, clerks of court, other officials and employees:

- Legislation providing for one-for-one strikes in jury selection statewide.

- Legislation giving the trial judge sole authority in the matter of jury sequestration.

- Legislation authorizing the governor to appoint 13 additional circuit judgeships during FY 1982-83 provided he releases the conditional appropriations authorized in the legislation. Some \$1.3 million in conditional appropriations is provided for the funding of these judgeships and the governor may fill any one or all of the positions, but only during FY 1982-83. The legislation authorizes the appointment of one circuit judgeship each in the 11th, 12th, 13th, 15th, 17th, 27th, 28th, and 32nd Circuits; two positions for the 4th Circuit and three for the 10th Circuit. Although the legislation created 13 positions, five did not have the recommendation of the Supreme Court which is constitutionally required before the creation or deletion of a judgeship. Those five include two in the fourth, one each in the 17th, 27th and 32nd Circuits. The Court had voted a favorable recommendation for district judgeship bills in the 27th and 32nd but the final version of the legislation created circuit judge positions, not district judgeships.

- Legislation providing for six additional staff attorneys for the Supreme Court.

- Legislation providing for two staff attorneys for the Court of Criminal Ap-

peals.

- Legislation which will permit the Board of Control of the State Employees Retirement System to reduce the number of years required for state employees to vest their retirement benefits from 15 to ten years. This measure, if acted upon by the retirement board, would put state employee retirement vesting the same as those who participate in the Teachers Retirement System.

- Legislation which removes the statutory prohibition and allows the State Insurance Board to provide dental and eye care insurance for state employees. The legislation does not mandate that such coverage be provided by the state but it will allow the Insurance Board to come up with a plan allowing employees to purchase such coverage, perhaps in conjunction with the state health insurance plan.

- Legislation which would have placed a cap on local supplements of judges and district attorneys was vetoed by the governor on April 22.



## CHANGES MADE IN CASE HISTORY REPORTING FROM DISTRICT COURT

A recent review of statistical data needs has effected changes in criminal case history reporting procedures from district court.

Effective immediately, case information should be reported only when a final disposition of a felony case is entered in district court. Final dispositions of felony charges in district court are considered to be guilty pleas, dismissals and cases not crossed by the district attorney. Felony cases which are bound over to the grand jury should not be reported since this action is considered to be an intermediate, not a final, step.

Form INS-2 will remain as the reporting form for district court final dispositions and will be completed as before with the following exception: a district court reporting form should not be filled out until after the final disposition of the case. Therefore, the white filing slip (part one) previously submitted to the Administrative Office of Courts at the initiation of the case will no longer be used and the pink copy (part three) will no longer be forwarded to the circuit court. These two portions may be discarded after the final disposition form is completed.

No changes have been made concerning criminal case history reporting in circuit court; however, since the pink copy of the district court criminal case report will no longer be forwarded to the circuit court, circuit clerks must ensure that uniform arrest reports and other information are transferred to circuit court.

"This change will significantly reduce the present criminal case history workload in district court," said Allen L. Tapley, administrative director of courts. "However, the data still collected will provide the Administrative Office with information needed to prepare budgets, determine personnel requirements and anticipate trends in case filings. The change will also continue to fulfill requirements of the courts to provide the Criminal Justice Information Center with final disposition data on defendants charged with felonies," he continued.

Questions concerning the new procedure should be addressed to Camille Ashley or Mike Carroll at the Administrative Office.

## IMPROVEMENTS MADE IN PEBSCO DEFERRED COMPENSATION PROGRAM

The Public Employees Benefit Services Corporation, administrator of the Alabama Deferred Compensation Program, has announced improvements in its investment funds. The fixed account is now paying 14.15 percent and included in the investment funds are: a money market fund, five stock accounts and a bond fund.

The benefit of a deferred compensation plan is that the employee pays no federal income tax on the amounts deferred, nor is any tax paid on the amounts of income or accumulations of the funds (interest, dividends and capital gains) until actual distribution is made.

Only at the time of distribution, presumably after retirement when the tax bracket is lower, are the deferred amounts taxable and then only in the amounts paid to the members in each calendar year.

For more information, contact the Alabama Deferred Compensation Office, 503 Coliseum Boulevard, Suite D, Montgomery, AL 36109 (1-205-277-7820 collect) or the Administrative Office of Courts' Personnel Division.

## COURT PROCEDURE CITED FOR "NO SHOW" DUI DEFENDANTS

Several courts have requested information about the correct procedure to utilize in first offense DUI cases in which the defendant fails to attend the required DUI School. The correct procedure is to forward the white copy of the UTC to the Department of Public Safety immediately upon conviction. Then when a defendant fails to complete the terms of the sentence, such as failure to attend the DUI School, and the Court wishes the defendant's license suspended, a recommendation from the Court to the Department of Public Safety is sufficient to impose such a suspension. In each case, the Court should state the recommended period of each suspension.

## RECENT STUDY SHOWS

LAW RELATED EDUCATION  
CAN REDUCE JUVENILE DELINQUENCY

A recent study reported in the American Bar Association's LRE Report suggests that law-related education (LRE) can significantly reduce delinquency when it is taught according to prescribed principles. The study, conducted with the support of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) during the spring of 1981, involved 323 senior high students located in six communities across the country, including both metropolitan and nonmetropolitan areas.

The study revealed that students in classes where LRE was properly implemented:

- were less likely to use violence to solve problems;
- were less dependent on others who engage in delinquent behavior;
- said that their parents viewed them less negatively.

The study also revealed gains in other areas associated with delinquency. These included:

- decreased feelings of isolation from teachers;
- decreased perceptions that teachers viewed them negatively;
- decreased perceptions that other students viewed them negatively;
- decreased frustration between the goals they wished to achieve and their perceptions of their abilities to achieve those goals.

A particularly hopeful finding was that the favorable impact of LRE extends to students at all ability levels, as well as to young persons whose pre-existing levels of delinquent behavior ranged from slight to substantial. Even those displaying evidence of becoming violent "career delinquents" showed improvements from their exposure to law-related education.

Many features appeared to account for LRE's capacity to reduce delinquency. These included:

- a high degree of student participation in such activities as case studies, mock trials, moot courts, and other means of conflict management and decision-making.

- the support of faculty and administrators for innovative LRE teaching practices.
- the high interest of students in learning about the practical application of the law, the Constitution, and the justice system.
- help from law enforcement officers and other members of the justice system, particularly in communicating their efforts to apply the law and in confronting the difficulties they face.
- the ability of large numbers of students to excel in LRE programs stressing practical understanding.

The classes evaluated used curriculum materials developed by the Constitutional Rights Foundation, Law in a Free Society, and the National Street Law Institute.

To obtain more information on the evaluation, contact the directors of the study: Robert Hunter, Center for Action Research, P.O. Box 3578, Boulder, CO 80303, 303/443-7977 and Mary Jane Turner, Social Science Education Consortium, 855 Broadway, Boulder, CO 80302, 303/492-8154.

NEW OFFICERS ELECTED IN  
MUNICIPAL JUDGES ASSOCIATION

New officers were elected by the Alabama Municipal Judges Association to serve for the 1982-83 term in a recent Association meeting held in conjunction with the annual conference of the Alabama League of Municipalities on April 24 in Mobile. In the judges' business meeting, which followed a municipal judges' education conference, Judge Larry Ward, Secretary/Treasurer, reported to the membership that the Association is financially sound.

Sumiton Municipal Judge Daniel Burgess was elected president of the Association, succeeding Athens Municipal Judge Jerry Batts. Other officers elected during the meeting include Leeds Municipal Court Judge Charles "Rick" Johanson, 1st Vice President; Rogersville Municipal Judge Roy Hasseltine, 2nd Vice President; and Prichard Presiding Municipal Judge Frankie Fields Smith, Secretary/Treasurer.

## TAX SHELTER ADOPTED FOR EMPLOYEE RETIREMENT CONTRIBUTIONS

On March 31, the State Personnel Board adopted a resolution adjusting state employees' salaries to tax shelter the employees' contributions to the Retirement Systems. This adjustment should result in an immediate increase in employees' "take-home" pay.

Previously, 5 percent of each employee's salary was deducted and paid to the Retirement Systems as an employee contribution (State policemen paid 10 percent). Even though the employee never received this money, the employee had to pay federal income tax on it since it was included in his salary. However, the IRS has ruled that an employee will not have to pay income tax on such a retirement contribution if it is paid by the State directly to the Retirement Systems rather than being paid to the employee and then deducted from his salary. Following this IRS ruling, the Personnel Board has adjusted state employees' salaries so that the 5 percent retirement contribution will not be included in the employee's gross income for federal

income tax purposes. The State will pay the retirement contribution directly. Thus, the employee's retirement contribution will be paid by means of a salary reduction rather than a salary deduction.

This "tax-shelter" only defers payment of federal income tax on retirement contributions and does not preclude payment altogether. Federal income tax will have to be paid on these contributions when the Retirement System pays these contributions to the employee upon withdrawal or upon payment of benefits upon retirement, usually when the employee is in a lower tax bracket.

For purposes other than federal income taxation, the employee's salary will be considered to be the same as before the adoption of the Board's resolution. State income tax will be required on the employee's full compensation, including the retirement contribution. Social security taxes will be paid on the full compensation. Retirement contributions and benefits will be based upon the full compensation. Upon withdrawal from the Retirement Systems, these contributions will be paid to the employee just as before the adoption of the Board's resolution.

*Chief Justice C. C.*

*"Bo" Torbert Jr. recently appeared in Washington before the Senate Judiciary Committee, chaired by U. S. Senator Howell Heflin. Torbert, who appeared before the Subcommittee last November, was the principal witness on behalf of the legislation to amend federal habeas corpus procedures. The legislation being considered states in part: "An application for a writ of habeas corpus in behalf of a person in custody pursuant to a judgment of a state court shall not be granted with respect to any claim that has been fully and fairly adjudicated in state proceedings."*





## NEWS FROM THE JUDICIAL COLLEGE

### CLERKS AND REGISTERS TO HOLD 39TH ANNUAL CONFERENCE

The 39th meeting of the Clerks and Registers Annual Conference is scheduled June 10-12 at Gulf State Park. Sam Grice of Talladega County will preside as president. The group will hear a Layman's View of the Court from Rev. Robert Baggett, Pastor of the First Baptist Church of Dothan. Ronald L. Jones, who will become bureau chief on October 1, will give a Report from the Examiners of Public Accounts. A panel will discuss the Legal Liabilities of Clerks and Registers.

Major Harold Hammond of the Department of Public Safety will discuss the Rules and Regulations of that department. A panel consisting of Presiding Judge Julius Swann, 16th Judicial Circuit, Etowah County Circuit Clerk Delores Parsons, and other representatives from the criminal justice system will talk about the importance of Coordination of Local Officials.

A Legislative Review and Preview will be presented by Bob Martin, Administrative Office of Courts; Pat Harris, Assistant to the Chief Justice; and Jack Dixon, attorney on the staff of the Chief Justice. Bob Tillman will briefly overview the new state personnel system.

Since the new jury legislation passed in 1981, several counties are conducting projects in one-step juror qualifying/summoning. Hunter Slaton and Mike Carroll will discuss the Clerk's role in this procedure.

Another panel moderated by Chief Justice C. C. Torbert will discuss Jurors' Views of the Court. Citizens who have recently served on juries will participate as panel members. The Chief Justice was called for jury service in Lee County last fall so he is participating as a citizen juror.

The final session will deal with a potpourri of questions submitted through a survey conducted by the Judicial College.

New officers will be elected and installed during the conference.

### JUDICIAL COLLEGE RUNS SECOND PROGRAM FOR INSTRUCTOR CERTIFICATION

The Alabama Judicial College will hold the second Certification Program for Instructors at DUI Court Referral Schools on June 21-25 at Farrah Hall on The University of Alabama campus in Tuscaloosa. The purpose of the program is to provide an understanding of course content relating to alcoholism and its treatment and to present and demonstrate effective teaching methods.

For background information, a demonstration of the P.E.I. machine will be presented by Sgt. L. H. Winkingstad of the Department of Public Safety. Dr. Phillip Bromby, President of Life Skill, Inc., of Pensacola will talk about instructional techniques.

Experienced instructors who have taught in DUI Court Referral Schools will demonstrate how they teach the four sessions. These instructors are Kelly Price of Anniston for Session I; Vann Pruitt of Auburn, Session II; Lanny Capps of Jasper, Session III; and John Cummins of Alex City, Session IV.

Angelo Trimble, Director of the Municipal Court Division of the Administrative Office, will make a presentation on Ethics and Confidentiality.

Candidates for certification will participate in teaching the session in which they wish to be certified. They will also have pre and post tests. These two factors as well as attendance will be considered when determining whether or not to grant certification.

Robert T. Simpson, Coordinator of Court Referral Program at the Administrative Office, along with Mary Lou Street of Birmingham, Chairman of the Education Committee, will oversee the operation of the program.

### SPECIAL NOTE

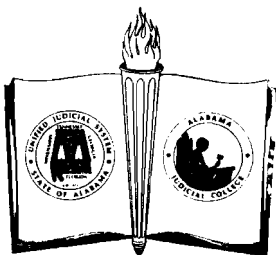
The Judicial College calendars for Continuing Education Programs for the remainder of 1982 and for 1982-83 appear on pages 18 and 19.



# CIRCUIT AND DISTRICT JUDGES ATTEND SPRING JUDICIAL SEMINAR



*Scenes from the Spring Judicial Seminar held in Tuscaloosa April 27-29.*



## MUNICIPAL JUDGES CONFERENCE FOCUS ON RADAR, COURT IMAGE

At the Annual Conference of Municipal Judges held in Mobile on April 24, the two key topics discussed were radar and the image of the court. The judges conference was held in conjunction with the annual meeting of the Alabama League of Municipalities.

Lt. Ralph Cottingham, Radar Specialist for the Department of Public Safety, explained how radar works and how it should be used by officers. He also pointed out to the judges several considerations that they should weigh in adjudicating a radar case.

Dean Allen Smith of The University of Alabama School of Law discussed the need to build a positive court image for the public. Smith suggested several areas of concern on which the judge must focus to make the court more understandable for the public: the judge's behavior in court; the judge's behavior outside the court; the media and public information and education; courtroom appearance; and the judge and the community.

Other presentations during the conference included: A Legislative Report by Perry Roquemore, League Attorney; A Review of Recent Attorney General's Opinions by Assistant Attorney General Carol Jean Smith; The Judge's Relationship with the City Governing Body by Jasper Municipal Judge Herman Maddox; and Beyond the DUI School by Sue Irwin, Director of the South Alabama Chapter, National Safety Council.

The next Annual Conference of Municipal Judges will be held April 23, 1983, in Huntsville.

## TRIMBLE SPEAKS TO MUNICIPAL CLERKS ON COURT MANAGEMENT

Angelo Trimble, Director of Municipal Court Operations for the Administrative Office of Courts, recently spoke to the Municipal Clerks Association on Municipal Court Management at the annual meeting of the Alabama League of Municipalities. Trimble praised the municipal clerks for providing assistance to his division in

developing a recommended record-keeping system for municipal courts, a system that his staff spends considerable time helping court officials to implement.

Trimble explained that his work with the municipal courts has been rewarding, not because of any dramatic changes or reforms that have taken place in the courts, but because of the establishment, on a day-by-day basis, of sound management principles and procedures by municipal court officials. "It has taken a tremendous amount of dedication and cooperation on the part of judges, court clerks, especially municipal clerks, as well as police chiefs, mayors and councils. These are the people who make the Unified Judicial System work," Trimble said.

A video cassette presentation on Warrant Issuance, developed by the Administrative Office, was shown. Afterward, Trimble suggested that the matter of warrant issuance is probably the single most important issue facing courts in terms of municipal liability.

Other items discussed included an overview of laws and rules relating to municipal courts, judges and magistrates and abolishing and reestablishing municipal courts.

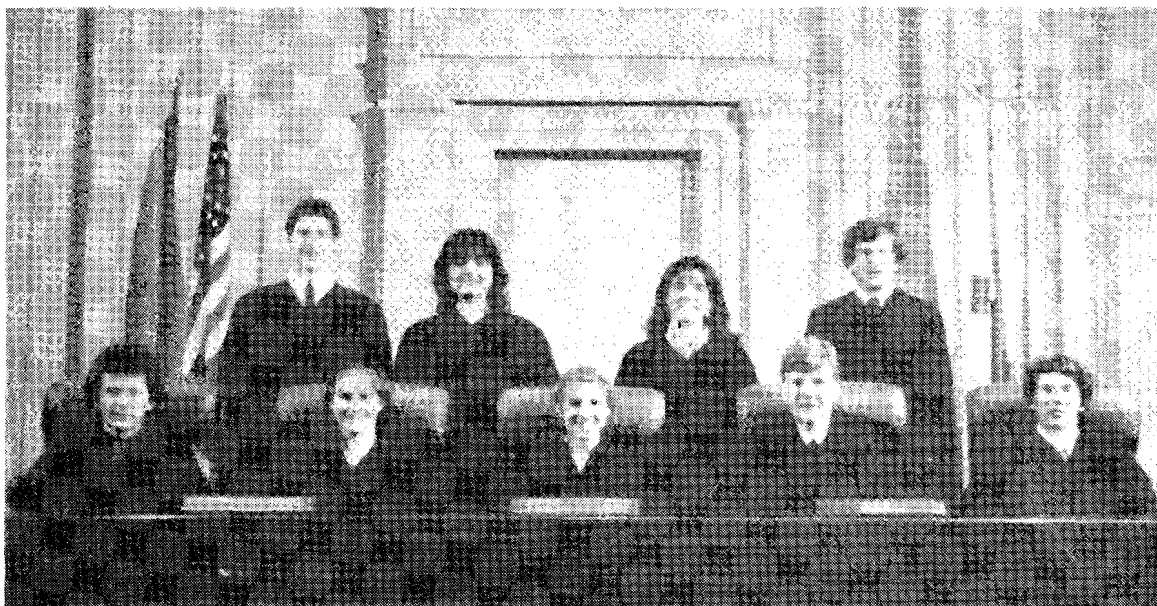
Trimble concluded by asking clerks to urge their court clerks and magistrates to attend one of the seminars planned for municipal court clerks and magistrates during May (see April Court News, page 9).

## MUNICIPAL SEMINARS CURRENTLY IN PROGRESS

The Annual Seminars for Municipal Court Clerks and Magistrates are currently in progress. Several clerks have indicated that they had conflicts with the seminar held in their region and have asked to be rescheduled for another seminar.

Clerks or magistrates may be approved to attend the final seminar to be held in Birmingham on May 26-27. To obtain approval, call Municipal Court Operations at the Administrative Office of Courts (1-800-392-8077).





The Alabama Youth Supreme Court, a project of the Alabama YMCA Youth Legislature, held its annual "session" at the Supreme Court Building in Montgomery on April 2. The "Justices" (seated from left) are Charles E. Wilkinson Jr., Emma Sansom High School, Gadsden; Jessica Harris, Donoho High School, Anniston; "Chief Justice" Kim Hand, Autauga Academy, Prattville; Warren Matthews, Carroll High School, Ozark; Wayne Harrison, Autauga Academy, Prattville. From left and standing are "Justices" Clyde R. Beaver, III, Coffee High School, Florence; Barbara J. McLauchlin, Carroll High School, Ozark; Ruth Ann Dooling, Opelika High School, Opelika; David Alan Hughes, Carroll High School, Ozark.

#### JUVENILE PROBATION OFFICERS INSTITUTE SCHEDULED FOR JUNE

The Tenth Annual Juvenile Probation Officers Institute will be held at the Stage Coach Inn (formerly the Sheraton Inn) in Tuscaloosa from June 23-25. The workshop will begin at 11:00 Wednesday morning with two moot court hearings. Activities are planned for Wednesday and Thursday nights. The workshop will conclude Friday morning with the Department of Youth Services June Board meeting.

#### COURT CLERK TESTING DATES SET

Written tests for Court Clerk I thru VI will be administered in the following Alabama cities on the dates indicated:

May 15, Montgomery, Florence and Tuscaloosa; May 22, Gadsden, Alexander City, Huntsville and Dothan; May 29, Birmingham and Mobile.



Supreme Court Justice Hugh Maddox, organizer of the Youth Judiciary Program, pauses a moment with "Justice" Barbara McLauchlin, daughter of Circuit Judge Ben McLauchlin, 33rd Judicial Circuit.

June 12, Florence and Tuscaloosa; June 19, Montgomery and Gadsden; June 26, Mobile, Alexander City, Dothan, Huntsville and Birmingham.

## "DEAR CHIEF JUSTICE TORBERT"

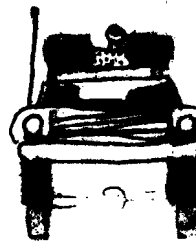
### HIGHLAND AVENUE FIFTH GRADERS APPRECIATIVE OF VISIT TO SCHOOL

Students from the Highland Avenue Elementary School in Montgomery were quick in expressing their appreciation to Chief Justice C.C. Torbert Jr. after he visited the school and talked with fifth grade students recently.

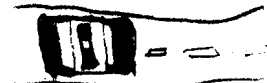
Featured on this page are excerpts from several of the handmade cards the chief justice received following his visit.

The cards were very creative, artistic and displayed such youthful interpretation of the chief justice's remarks, he wanted to share them with all officials.

Highland Avenue School  
5 grade  
Montgomery, AL 36101  
March 7, 1982



Dear Judge Torbert,  
I really like your speech about the crime in the play. Is it true that who does a crime has to pay that bond? Can someday we come and see you? I have been to a court house.



Dear Judge Torbert,  
Your talk was very nice. My brother Gary likes justice stuff he has dog bones, handkerchiefs and buttons. We want to thank you for coming by.

Dear Judge Torbert,  
Thank you for coming to speak to our class about Law Enforcement. We enjoyed every word you said. From me and my classmates we would like to say thank you. We love to visit the courthouse and the Supreme Court.

Sincerely yours,  
Luetanga Courtland

Have  
A  
nice  
Day



Smile

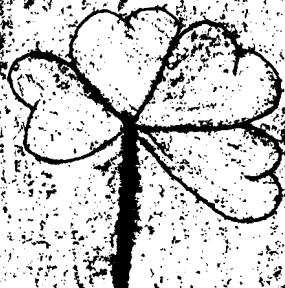
Dear Judge Torbert,  
I really enjoyed your speech. Thank you very much for coming to our school. Thanks for bringing your black robe and wooden hammer. I learned more about the law and court. Come again.



I'm glad to get out of school and smell the fresh flowers

Dear Judge Torbert,  
Thank you for coming to our school. I really enjoyed it. I liked when you had that robe on and the gavel. I have never seen one before. I was big and have always thought police judges did that. I like that man. I like that judge. I like that judge because that judges have to be mean when there at a hearing. We would like to go to the judge house one day. Thank you!

YOUR FRIEND  
ALWAYS



Dear Judge Torbert,  
I want to thank you for coming to our school. You're the kind of man that wants to take a bite out of crime. I loved your speech. Come again!

# PEOPLE \* PEOPLE



JUDGE G. ROSS BELL

**J**efferson County Family Court Judge *G. Ross Bell* retired May 1, after having served in the position for 17 years.

Bell, a native of Birmingham, began his law career as an attorney in 1948. He became a part-time judge for the Records Court of Birmingham in 1956, and a full-time judge in 1958. He served as Chief Judge for the same court from 1963-1965.

In 1965, Bell began serving as judge of the Juvenile and Domestic Relations Court of Jefferson County, and in 1968, as a circuit judge, he was assigned to preside over the Family Court.

**A**labama Supreme Court Justice *Samuel A. Beatty* attended the investiture of Alabama State University President Robert Lee Randolph on April 17, representing Columbia University President Michael Sovern. Justice Beatty attended Columbia University, where he earned both his LLM and JSD degrees.

**T**he new officers for the Alabama Chief Probation Officers Association are Chairman, *Larry M. McKay*, Director, Juvenile Court Services, Dothan; Vice-Chairman,

*Jimmy Wilbanks*, Chief Probation Officer, Fort Payne; Secretary, *Pat Weeks*, Chief Probation Officer, Vernon; Treasurer, *Max Todd*, Chief Probation Officer, Russellville.

**D**istrict Judge *Harold Odom* of Washington County and his wife Margaret are the proud parents of their second child--another boy. William Alexander was born April 27.

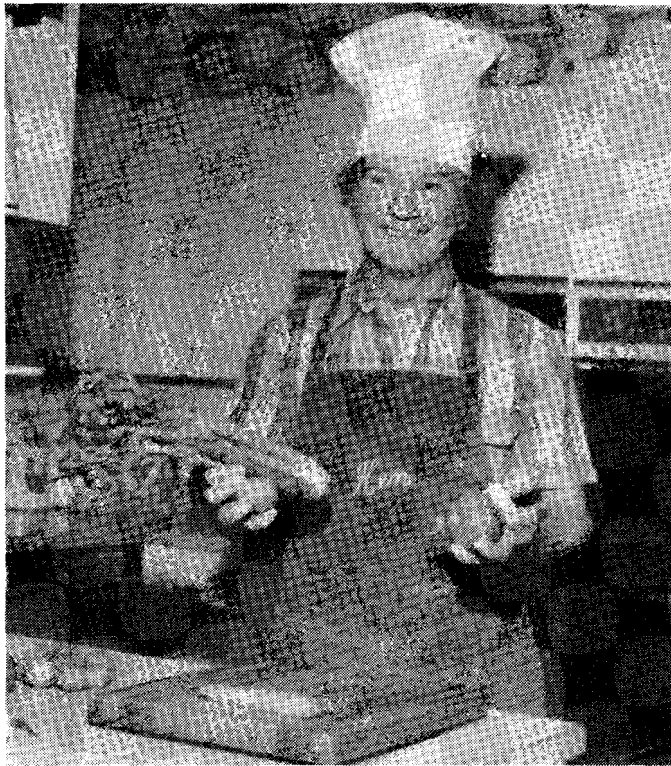
**B**ill Stone, Circuit Clerk of Pike County, and his wife Lynne are new parents with their first child, a girl. Lauren Shea, weighing 5 lbs. 14 oz., was born Feb. 28.

**H**arriet Piper, an employee in the office of Dallas County Circuit Clerk Bill Kynard, was elected corresponding secretary for the Alabama Association of Legal Secretaries at the group's recent annual meeting in Huntsville. Ms. Piper has been employed in the Dallas County Clerk's Office since 1975.

**G**eraldine Roberts, a Court Clerk II, in the office of Walker County Circuit Clerk Sylvester Anton, died Sunday, April 25.

Ms. Roberts had worked in the Clerk's office since Nov. 14, 1979. She was 47 years old, and is survived by two sons, Harry W. Roberts, II, and B. Alan Roberts.

**B**etty Osburne, Director of Training and Development at Family Court in Birmingham, and the Alabama Chapter of the American Society for Training and Development have been honored at a special President's dinner during the organization's annual conference. The National Chapter Excellence Award for 1981, a single honor from 125 chapters represented, was given to the Alabama Chapter (now named the Greater Birmingham Chapter). The Alabama Chapter is in Region IX, and this is the first time that a chapter from this region has won.



JUDGE KENNETH INGRAM

### JUDGE INGRAM SHARES RECIPE

Presiding Judge Kenneth F. Ingram, 18th Judicial Circuit, was recently featured in The Ashland Progress because he and his wife Judy are both gourmet cooks.

Judge Ingram admitted that his wife usually does the cooking in their house but that he enjoys cooking as a hobby.

"I have a few things in my recipe file," he said. "I find that after a hard week of court around the circuit, or a heavy office schedule, preparing and cooking a specialty dish or two is great relaxation."

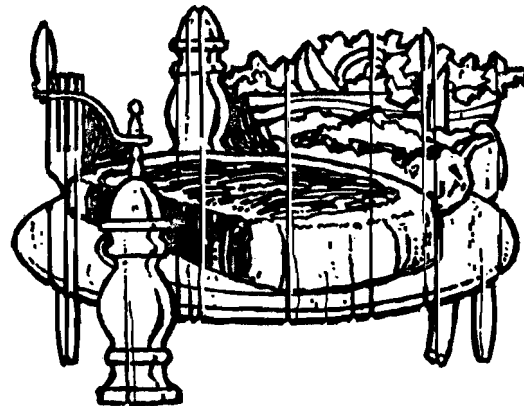
"We don't eat meat too often at our house, but when we do we like to skewer small chunks of beef with vegetables and grill them over charcoal. I have experimented with shish kebob marinades for more than a dozen years, constantly changing ingredients in search of that perfect recipe to satisfy all tastes. Of course, that is not possible to achieve. So what has happened is that I have three marinades which we use at random during the summer depending upon our taste," he continued.

Below is Judge Ingram's favorite marinade.

#### MY FAVORITE

1/4 teaspoon powdered ginger  
1 cup dry red wine (burgundy)  
1 teaspoon curry powder  
1/2 teaspoon coarse ground black pepper  
1 clove garlic, crushed  
1 tablespoon Worcestershire sauce  
1 bay leaf  
1 tablespoon leaf oregano (rubbed)  
1/2 cup olive oil

Mix all ingredients in order in appropriate container. Add chunks of meat. Let stand covered 5 to 6 hours or overnight in refrigerator. Skewer with onions, peppers and S. onicas or use your choice.



### NATIONAL COLLEGE OF PROBATE JUDGES

#### SECOND SPRING CONFERENCE COMPLETED

The National College of Probate Judges recently completed its second spring conference at the headquarters facilities of the National Center for State Courts in Williamsburg, Va.

The four-day specialty seminar featured sessions on such topics as civil commitments, costs of probate, conservatorship and guardianship, caseload management, probate accounting and probate evidence. In addition, a mock trial of a will contest was held in the moot courtroom of the Marshall-Wythe School of Law at the College of William and Mary.



Westside Junior High in Selma conducted several activities to celebrate Law and Court Observance Week. On Monday, April 26, a mock trial was held, and on Wednesday, April 28, Justice Janie Shores spoke to the students about the appeals process. The pictures above were taken at the "trial." At left, "jurors" are sworn in. At right are "Judge" John Jordan, Presiding Circuit Judge Edgar P. Russell Jr., 4th Judicial Circuit, "Prosecuting Attorney" Nina Bostick, "Defense Attorney" Katie Gamble, and Jim Sullivan, assistant district attorney. Not pictured, J. L. Chestnut, attorney.

#### HIGHLIGHTS BELOW

### ALABAMIANS CELEBRATE FIRST LAW AND COURT OBSERVANCE WEEK

Citizens in communities across the state celebrated the first Law and Court Observance Week this year by adding their own style to activities planned by court officials, bar association members, educators, civic groups and law enforcement officials.

In addition to the Selma program featured in photographs above, three other programs are highlighted. The project staff is interested in hearing from all groups that held activities during Law and Court Observance Week.

#### DEKALB COUNTY

Students in DeKalb County's seven high schools participated for a second year in a court awareness program which included a mock trial and an interview session with a state prison inmate. Presiding Circuit Judge Randall Cole and Circuit Judge David Rains presided over the two main events. Other participants included Circuit Clerk Jimmy Lindsey; Attorneys Charles McGee and Charles Mauney; Deputy District Attorney Mike O'Dell; circuit court Register Gloria Fortson; Investigators Wayne Parker and John Paul Johnson; Court Administrator Jim McGee; Secretary Joyce Daus; and state prisoner, "Charlie."

#### ANNISTON

The Alabama Supreme Court held a session at Donoho High School on Friday of Law and Court Observance Week, and many plans for the week centered around the session. Justice Janie Shores addressed the bar association's annual luncheon while Judge Richard Holmes of the Court of Civil Appeals spoke to the Rotary Club.

Circuit court Register Barbara Pippin chaired a public affairs program which included judges and attorneys for the news media.

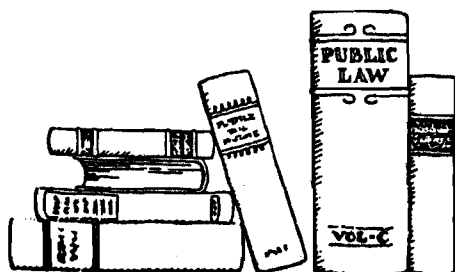
The Anniston programs were coordinated by Attorney Doug Ghee.

#### LIMESTONE COUNTY

Supreme Court Justice Samuel A. Beatty highlighted Law and Court Observance Week in Limestone County with an address to students and the general public in Elkmont and Athens. He also addressed a luncheon attended by attorneys, judges and law enforcement officers.

The Limestone observance was coordinated by Attorney George Craig. In addition to Justice Beatty's addresses, a poster contest was sponsored countywide, with savings bonds for the first place winners provided by Citizens and Central Banks.

## LEGAL NOTES



## ATTORNEY GENERAL OPINIONS

Local Court Costs ForCourt AdministrationAnd Its Collection

In an opinion issued March 8, 1982, to Mobile Circuit Clerk Maurice Castle, the attorney general held that the local court cost of \$2 designated for the "court administration" fund should not be collected on the filing of a writ of garnishment or upon an execution since both proceedings are ancillary, seeking satisfaction of a prior judgment, and are not original civil actions. However, the attorney general said the \$2 local cost should be collected on a case appealed de novo from district court to circuit court when the appeal is docketed in the circuit court.

State Employees May Be GarnishedFor Child Support And Attorney'sFees Under Certain Circumstances

In an opinion rendered to Dr. Rex Rainer, director of finance, the attorney general has ruled that Sections 6-6-490 through 6-6-493, now permit a state employee's wages to be garnished for child support (notwithstanding the prohibition against this practice found in Section 6-6-482) and that Section 30-2-54 allows

the recovery of attorney's fees as part of such garnishment proceedings as long as there has been an award of divorce, the court has found the responsible parent in contempt of court, and the court has awarded the attorney's fees, all as set out in that section.

Homestead Or Personal PropertyMay Be Claimed After Levy

In an opinion of March 22, 1982, to Parker Washington, sheriff, Butler County, the attorney general cited Section 6-10-26, Code of Alabama 1975, as authority for a defendant to file an affidavit claiming his or her personal property exemption or homestead exemption at any time after the levy of an execution, but prior to the sale of the property. Section 6-10-26, supra, outlines the methods for filing an affidavit in order to claim the personal property or homestead exemptions after such have been levied upon by the sheriff.

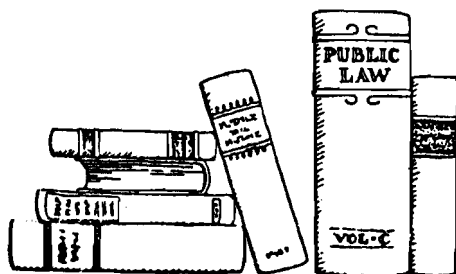
Judges Salary Supplements NotIncreased Due To 7½ PercentCost-Of-Living Raise

In an opinion dated March 23, 1982, the attorney general explained that the 7½ percent state salary increase (authorized pursuant to Act 80-616) should not be considered in computing the county supplements paid to the circuit judges of Calhoun County. Referring to an earlier opinion issued February 2, 1981 to the Jefferson County Commission, the attorney general stated that under like reasoning the circuit judges of Calhoun County are not entitled to an increased county supplement where such increase would be based on the 7½ percent cost-of-living raise. According to the attorney general, Act 80-616 itself prohibits a county supplement increase by the following express provision:

"...Any cost-of-living increase granted under the provisions of this Act shall  
(Continued On Page 15)



## LEGAL NOTES



## ATTORNEY GENERAL OPINIONS

*(Continued From Page 14)*

in no way apply to any local supplement provided to any judges or any other employee of this state... ."

Absentee Ballots - Indicating  
Races For Which Voter Is  
Ineligible To Vote

In response to inquiries concerning absentee ballots posed by Secretary of State Don Siegelman, the attorney general issued an opinion dated March 3, 1982 stating that it would be appropriate for an absentee election manager to indicate on any absentee ballot races for which the absentee voter is not eligible to cast his vote. The attorney general also explained that if absentee ballots are returned with votes cast in races for which the voter was ineligible to vote, the counting official should disregard the ineligible votes, and such procedure would "not vitiate the ballot so far as properly marked." (Section 17-13-2 Code of Alabama 1975).

Attestation Of Probate Judge Or Clerk  
Required For Satisfaction Of Mortgage

The attorney general issued an opinion dated March 4, 1982 interpreting Section 35-10-27 of the Code concerning the pro-

cedure to be utilized when a mortgage has been fully paid or satisfied. Citing an earlier opinion issued to Judge Hoyt Hamilton, the attorney general stated that attestation by the probate judge is absolutely necessary in order to have a valid satisfaction of a mortgage, where such satisfaction is made by the individual mortgagee. In such instances, the fee as provided by statute is 25¢. According to the attorney general's opinion, the statute does not require attestation if satisfaction of a mortgage is made by the power of attorney or release.

Service Credit For Time Served  
As Register May Not Be  
Transferred To The Office  
Of The Clerk

In an opinion dated March 29, 1982, the attorney general determined that prior service credit for the time served as the register may not be transferred to the office of the clerk should the register be successful in an election to that office. The opinion also noted that there is no apparent alternative other than withdrawing the contributions from one fund and beginning again.

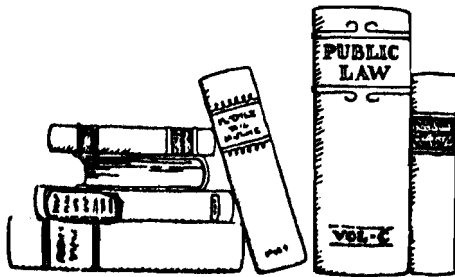
District Attorney Should Be  
Provided With Sufficient  
Office Facilities

In an opinion dated March 19, 1982, the attorney general determined that the county commission should provide the district attorney with such office facilities as will promote the efficient functioning of his office, and that the county commissioners work together to assure that adequate space is provided.

Sheriff's Mileage Allowance

In an opinion dated March 5, 1982, the attorney general determined that a county is required to furnish the necessary  
*(Continued On Page 16)*

## LEGAL NOTES



## ATTORNEY GENERAL OPINIONS

*(Continued From Page 15)*

maintenance and expenses incidental to the operations of such vehicles as are provided pursuant to Section 36-22-18, Code of Alabama 1975. In addition, the opinion concluded that the sheriff is entitled to receive the 20¢ per mile mileage allowance provided in Act No. 80-257, Acts of Alabama 1980, only when required to use his personal automobile on official business.

## MISCELLANEOUS LEGAL NOTES

Notice To Courts And Clerks

Special Procedures For Fines

And Fees: Forestry Cases

During the recent meeting of the courts' bookkeepers conducted in Birmingham, several questions arose regarding the appropriate methods for collection and disbursement of fees and fines in cases under the state's forestry laws. Reprinted below is an article which appeared in the June, 1981, issue of Court News which addresses these points and should resolve the questions raised.

The state Forestry Commission has brought to the attention of the Administrative Office of Courts its intentions to begin initiating more cases under the

provisions of the state's forestry laws. In relation to these cases, it is important to note the provisions of Section 9-13-24, Code of Alabama 1975 regarding the fees of the arresting officers and the informers' fees. That Code provides the following:

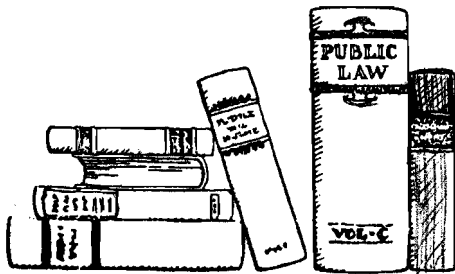
"Fees of arresting officers, etc.; informers' fees.

"When an arrest for a violation of the provisions of the forestry laws is made by a salaried officer or salaried employee of the state forestry commission and the defendant is convicted, there shall be taxed as costs the same fee as the sheriff in this state is entitled to for similar services and, if collected from the defendant, shall be immediately remitted by the trial court directly to the state forester, and said fee shall be used for the purpose of the administration of the state forestry commission. If the person making the arrest shall be a nonsalaried officer or not an employee of the state forestry commission and if said fee is collected from the defendant, such person shall be entitled to said fee and shall receive in addition thereto an informer's fee of one-half the fine in each case where the information furnished by him results in a conviction and the fine is collected and paid into court; provided, however, that in no case shall the amount paid to the informant or party making the affidavit as to the commission of any offense embraced in this chapter exceed the sum of \$25. All amounts in excess of \$25 shall be remitted to the state forester as provided in this section. No fee shall be allowed in cases of acquittal. (Act 1936-37, Ex. Sess., No. 161, p. 183, Code 1940, T.8., Section 218; Acts 1951, No. 984, p. 1659)"

It is the interpretation of this office, based upon conversations with the state Forestry Commission, that these provisions require the following procedures of the clerks when an arrest is made for the violation of one of the forestry laws:

- (1) If the arrest is made by an  
*(Continued On Page 17)*

## LEGAL NOTES



## MISCELLANEOUS LEGAL NOTES

(Continued From Page 16)

officer of the state forestry commission or an employee of the commission, the arrest fee collected upon conviction shall be remitted to the state forester; or,

(2) If the arrest is made by any other conservation officer or other officer, generally, disbursement of the arrest fee should follow normal procedure; e.g., if the arrest is made by state officer the arrest fee goes to the state general fund and if the arrest is made by a county officer the arrest fee goes to the county general fund;

(3) The informer's fee mentioned in this section should not be paid by the court. If any individual making an affidavit in a forestry law case requests the informer's fee mentioned therein, he or she should be directed to contact the state forestry commission.

Additionally, Section 9-13-11(1), Code of Alabama 1975, now establishes willful, malicious or intentional burning of forests, etc., as a Class C felony. Thus, for these felony offenses listed therein, the same procedures regarding the arrest fee (outlined above) will be applicable.

Subsection (3) of Section 9-13-11, supra, also provides that all moneys

collected for any violation of that section as fines or forfeitures shall be remitted to the state forestry commission. The address for these transmittals and other inquiries is: State Forestry Commission, 513 Madison Avenue, Montgomery, AL 36130, Attention: Law Enforcement Section.

A separate column in the cash book may be established if a large number of these cases is being docketed.

DALLAS COUNTY JURORS  
GET STUCK IN ELEVATOR

SELMA (AP) - It was a hung jury of sorts when several Dallas County grand jurors overloaded an elevator at the courthouse.

For one and one-half hours Monday afternoon, the nine grand jury members and a supervisor were left hanging 40 feet above the basement when the elevator got stuck between the first and second floors.

Joking at first, the 10 became serious about their predicament and Julia Gibson, a juvenile court clerk who was supervising the group, began sending an "SOS" signal over the emergency buzzer.

Courthouse custodian Jake Adams heard the signal and the rescue mission was under way. Adams and Dallas County Deputy Wayne Odom lined up another elevator next to the stuck one and removed metal panels on both. That enabled a few of the thinner jurors to squeeze through, making the elevator's burden lighter by hundreds of pounds and allowing it to function again.

| 1982                      ALABAMA JUDICIAL COLLEGE                      1982<br>CONTINUING EDUCATION PROGRAMS |                                                                                         |                          |                                            |                                       |                                                   |                             |                                              |                                            |                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|--------------------------|--------------------------------------------|---------------------------------------|---------------------------------------------------|-----------------------------|----------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| GROUP<br>MONTH                                                                                                | CIRCUIT<br>JUDGES                                                                       | DISTRICT COURT<br>JUDGES | JUVENILE COURT<br>JUDGES                   | MUNICIPAL COURT<br>JUDGES             | CLERKS AND<br>REGISTERS                           | CLERK/REGISTER<br>EMPLOYEES | COURT<br>REPORTERS                           | JUDICIAL<br>SECRETARIES                    | OTHER<br>GROUPS                                                                                                         |
| APRIL                                                                                                         | SPRING JUDICIAL SEMINARS<br>APR 27-29<br>TUSCALOOSA                                     |                          |                                            | LEAGUE CONFERENCE<br>APR 24<br>MOBILE |                                                   |                             |                                              |                                            |                                                                                                                         |
| MAY                                                                                                           |                                                                                         |                          |                                            |                                       |                                                   |                             |                                              |                                            | MUNI COURT CLERKS<br>& MAGISTRATES SEM<br>MAY 5-6, H'VILLE<br>MAY 12-13, MOBILE<br>MAY 19-20, MTGRY<br>MAY 26-27, B'HAM |
| JUNE                                                                                                          |                                                                                         |                          | ANNUAL CONFERENCE<br>JUN 3-4<br>BIRMINGHAM |                                       | ANNUAL CONFERENCE<br>JUN 10-12<br>GULF SHORES     |                             |                                              |                                            | DUI CERTIFICATION<br>JUN 21-25<br>TUSCALOOSA                                                                            |
| JULY                                                                                                          | PRESIDING CIRCUIT JUDGES CONF<br>JUL 13<br>ANNUAL CONFERENCE<br>JUL 14-15<br>HUNTSVILLE |                          |                                            |                                       |                                                   |                             | ANNUAL CONFERENCE<br>JUL 15-16<br>BIRMINGHAM | ANNUAL CONFERENCE<br>JUL 8-9<br>TUSCALOOSA |                                                                                                                         |
| AUGUST                                                                                                        |                                                                                         |                          |                                            |                                       | NEW EMPLOYEE ORIENTATION<br>AUG 5-6<br>TUSCALOOSA |                             |                                              |                                            | DUI IN-SERV TRNG<br>AUG 12-13<br>MONTGOMERY                                                                             |
| SEPTEMBER                                                                                                     |                                                                                         |                          |                                            |                                       |                                                   |                             |                                              |                                            |                                                                                                                         |

NOTE: ANNUAL CONFERENCES FOR TRIAL COURT JUDGES, JUVENILE COURT JUDGES, CLERKS AND REGISTERS, COURT REPORTERS AND JUDICIAL SECRETARIES ARE BEING HELD DURING THE MONTHS OF JUNE AND JULY. PLEASE PREPARE YOUR CALENDARS SO THAT ALL CONCERNED MAY ATTEND THEIR ANNUAL CONFERENCES.

1982

ALABAMA JUDICIAL COLLEGE  
CONTINUING EDUCATION PROGRAMS

1983

| GROUP<br>MONTH  | CIRCUIT<br>JUDGES                                                                       | DISTRICT COURT<br>JUDGES | JUVENILE COURT<br>JUDGES                   | MUNICIPAL COURT<br>JUDGES           | CLERKS AND<br>REGISTERS                                                                  | CLERK/REGISTER<br>EMPLOYEES | COURT<br>REPORTERS                           | JUDICIAL<br>SECRETARIES                      | OTHER<br>GROUPS                           |
|-----------------|-----------------------------------------------------------------------------------------|--------------------------|--------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------|----------------------------------------------|-------------------------------------------|
| 1982<br>OCTOBER | FALL JUDICIAL COURSES<br>OCT 12-14<br>TUSCALOOSA                                        |                          |                                            |                                     | EMPLOYEES SPECIALTY COURSES<br>OCT 28-29<br>BIRMINGHAM                                   |                             |                                              |                                              |                                           |
| NOVEMBER        |                                                                                         |                          |                                            |                                     |                                                                                          |                             |                                              |                                              |                                           |
| DECEMBER        |                                                                                         |                          |                                            |                                     | ORIENTATION I<br>DEC 2-3<br>TUSCALOOSA                                                   |                             |                                              |                                              |                                           |
| 1983<br>JANUARY | MID-WINTER CONFERENCE<br>JAN 20-21<br>MONTGOMERY                                        |                          |                                            |                                     |                                                                                          |                             |                                              |                                              |                                           |
| FEBRUARY        | NEW JUDGES ORIENTATION<br>FEB 21-25<br>TUSCALOOSA                                       |                          |                                            | ORIENTATION<br>FEB 12<br>TUSCALOOSA | MID-WINTER CONF<br>FEB 3-4<br>BIRMINGHAM                                                 |                             |                                              |                                              | JUD STUDY COMM<br>FEB 17-18<br>TUSCALOOSA |
| MARCH           |                                                                                         |                          |                                            |                                     | ORIENTATION II<br>MAR 1-3, TUSCA<br>EMPLOYEES SPECIALTY COURSES<br>MAR 24-25, MONTGOMERY |                             |                                              |                                              |                                           |
| APRIL           | SPRING JUDICIAL COURSES<br>APR 26-28<br>TUSCALOOSA                                      |                          |                                            | LEAGUE CONF<br>APR 23<br>HUNTSVILLE |                                                                                          |                             |                                              |                                              |                                           |
| MAY             |                                                                                         |                          |                                            |                                     |                                                                                          |                             |                                              |                                              | MUNI COURT CLERKS<br>& MAGISTRATES SEM    |
| JUNE            |                                                                                         |                          | ANNUAL CONFERENCE<br>JUN 2-3<br>TUSCALOOSA |                                     | ANNUAL CONFERENCE<br>JUN 9-11<br>GULF SHORES                                             |                             |                                              |                                              | DUI INSTR CERT<br>JUN 20-24<br>TUSCALOOSA |
| JULY            | PRESIDING CIRCUIT JUDGES CONF<br>JUL 19<br>ANNUAL CONFERENCE<br>JUL 20-21<br>BIRMINGHAM |                          |                                            |                                     |                                                                                          |                             | ANNUAL CONFERENCE<br>JUL 21-22<br>MONTGOMERY | ANNUAL CONFERENCE<br>JUL 14-15<br>BIRMINGHAM |                                           |
| AUGUST          |                                                                                         |                          |                                            |                                     | NEW EMPLOYEE ORIENTATION<br>AUG 4-5<br>TUSCALOOSA                                        |                             |                                              |                                              | DUI INSTR TRNG<br>AUG 11-12               |
| SEPTEMBER       |                                                                                         |                          |                                            |                                     |                                                                                          |                             |                                              |                                              | APPELLATE JUDGES                          |

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**COURT NEWS**

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