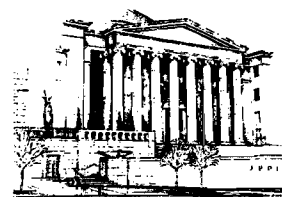


May 1996

ALABAMA COURT NEWS



ALABAMA JUDICIAL BUILDING

Vol. VI No. 2

Newsletter of the Unified Judicial System

Judicial Security, In and Out of the Courthouse

By Rich Hobson

Judicial security, both personal and in the courthouse, is of great importance to all of us in the judicial system. Events such as the Oklahoma City bombing have brought the issue closer to home. To meet this concern, a Judicial Security Committee, composed of circuit and district judges, has been appointed to develop a comprehensive security plan for the trial courts.

In April, a judicial security questionnaire was mailed to all of the trial judges. The purpose of the questionnaire is to establish baseline data on what currently exists in the trial courts, as well as to find out any concerns the judges have pertaining to security matters.

AOC is planning to increase its focus on judicial security in the coming months. Related training during annual meetings and individual courthouse security surveys are being planned.

If you have comments or suggestions concerning judicial security, please let us know by writing to: Judicial Security Committee c/o AOC Administrative Services, 300 Dexter Ave., Montgomery, AL 36104-3741.

Pending Audio-Video Legislation Will Accelerate Alabama Courts Toward the Future

By Eric Locke

An audio-video communication system for use in criminal pre-trial proceedings has been proposed by two bills presently pending in the regular session of the Alabama Legislature. These bills, if enacted, would eliminate the need for a jailed defendant to physically appear before the court for arraignment or other pre-trial matters, thereby expediting the criminal justice process and, at the same time, technologically advancing Alabama courts toward the 21st century. Senate bill 502, sponsored by Sen. Steve Windom,

and House bill 608, sponsored by Rep. J. E. Turner, enable a judge or magistrate to use an audio-video device located in the courthouse and at the jail to simultaneously see and communicate with an incarcerated defendant for first appearances, bail hearings, arraignments or other pre-trial proceedings. These bills enable the defendant to have his or her counsel physically present at the jail for these proceedings and allow the defendant to communicate privately with his or her attorney during the live audio-video transmission.

(See "Pending" next page)

Faster Response Times on the Way

By John O'Sullivan

The Judicial Data Center staff is working with the State Finance Office's Telecommunications Division on a new, statewide network scheme which holds great promise toward reducing the terminal response times at all Alabama court sites.

The new scheme, known as frame relay, is a high-speed data circuit extending to courthouses in the

state. It will be shared with a number of state agencies, such as revenue, public safety, voter registration and criminal justice.

Currently up to six of our court sites share a circuit with a 9,600 bit per second (bps) speed. The new scheme will have a separate circuit from each courthouse that will run at 1,544,000 bps.

(See "Faster" next page)



Pending (continued)

Additionally, television monitors must be placed in the courtroom and the jail whenever a proceeding is required to be open to the public, and all documents filed during an audio-video proceeding may be transmitted electronically and would have the same legal effect as the original document.

The audio-video communication system may also be used by law enforcement officers issuing Uniform Traffic Ticket and Complaints and Uniform Non-Traffic Citation and Complaints to verify under oath from police headquarters the facts alleged on these complaints to the magistrate. These bills also provide that law enforcement officers are authorized to give sworn testimony by audio-video transmission during grand jury proceedings, at the district attorney's discretion.

The audio-video communication system proposed by these bills is similar to technology in use by courts in other states. The primary purpose of the technology used in other states and the proposed legislation pending in this state is to expedite the criminal justice process.

Advantages Audio-Video Legislation

- Less money spent transporting prisoners to court from jail for pre-trial proceedings.
- Security risks involved with transporting incarcerated defendants from jail to court are greatly reduced.
- Courthouse holding facilities for defendants awaiting arraignment or other pre-trial matters become much less crowded and potentially less dangerous.
- Courthouse personnel charged with the responsibility of maintaining the safety of the judiciary, the public, and the defendants are greatly diminished.
- Law enforcement can be used more effectively and efficiently in time saved in verifying Uniform Traffic Ticket and Complaints and Uniform Non-Traffic Citation and Complaints.

Judges and District Attorneys Study Proposed Sentencing

By Angelo Trimble

Several circuit and district judges and district attorneys have met to comment on proposed legislation. Of particular interest were the proposed Speedy Trial Act and the Truth in Sentencing Act which makes significant changes to Alabama's laws related to the trial and sentencing phases of the judicial process.

The meetings, at the Judicial Building, resulted in several changes to the proposed legislation, although most in attendance expressed a desire for more time to study the bill's impact on the prison population problem and on sentencing in general. Judges and

district attorneys present were provided with a summary of the proposed Truth in Sentencing Act of 1996 along with a copy of the Felony Punishment Chart and chart of the proposed breakdown of felony crimes into new classes.

These meetings, conducted in conjunction with the charge of the Judicial Study Commission, are expected to provide a base of information to launch the Commission into a more in-depth study of Alabama's laws and procedures relating to criminal justice and the adjudication of cases.

The College Offers Training for Automated Accounting System

The first series of regional training sessions for court specialists is scheduled for this summer. The sessions will focus on the automated accounting system during the months of June, July and August. The topics discussed will include: updating the accounting manual and recent changes to the system, minimum accounting record keeping requirements, reconciliations of accounts, investment accounts, transfers, and other commonly asked questions about the system. For additional information, please contact the Judicial College at (800) 392-8077 or (314) 242-0300.

Faster (continued)

Autauga, Elmore, Macon, Lee and Pike counties have been chosen as pilot sites by the state Telecommunications Division and will be running on the frame relay system by mid-May. Installation plans call for no disruption in service to these locations. The State Telecommunications Department has an ambitious schedule that calls for all locations in the state to be converted to frame relay before Sept. 30 1996.

The best news of all, is that this greatly increased service will result in little or no increase in our monthly data circuit charges.

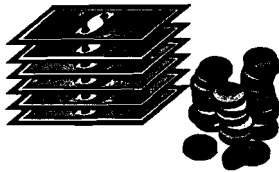
Boot Camp Hosts Ways and Means Committee During Budget Process

For the past two years, members of the House Ways and Means Committee have toured selected child-care and education agencies across the state to assist them with the budget process.

The Strickland Youth Center's

Environmental Youth Corps was the first of five stops on the Committee's Mobile tour.

By Sheila Wall



Transformations occur at the boot camp in Mobile. Whereas boys' lives are changed during the three-month confinement, so too did my perspective of detention centers during the brief tour.

From the outset, its appearance was much what I had imagined - a barracks with cement-block buildings. Upon entering the cafeteria, however, I found a sharp contrast between the reinforced windows which, to my surprise, were dressed in delicate curtains.

Remarks by Judge John Butler Jr., juvenile judge, like the contrast conveyed by the windows, showed sternness adorned with compassion. He explained that the Environmental Youth Corps is a military-style boot camp

providing education and life-skills training to the recruits. While physical and psychological abuse by drill instructors is prohibited, the recruits' time in E.Y.C. Academy is not easy.

Judge Butler told the Ways and Means Committee that the 48-bed boot camp has seen great success since the program began in 1992 as one of three in the nation. More than two-thirds of the teenagers who have graduated from the one-year alternative-sentencing program have not returned to crime thus far, he said. He described the boot camp as a "battle field." "We are treating children where they live."

This "battle field" is where the fight is fought for the next generation. And the troops for this facility consist of court officials and employees, the Boys and Girls Clubs and the juveniles' parents and grandparents. Each recruit goes through the nine-month Aftercare Program which, like the residential program, requires the participation of the recruit's family.

Toward the end of our visit, some recruits demonstrated their marching drills. The young men stepped proudly across the gym floor, following the sergeant's sharp shrill commands at every turn. We applauded their accomplishment. They had become "focused," with self-discipline and

self-esteem

Judge Butler said, "The most dramatic change I see in the recruits is that they become focused. After even a short time in the residential program, they are more focused in everything they do."

"When these young men enter the E.Y.C. Academy, they will not meet your eye, they walk with their heads down. After a few days, they walk proudly with heads up. They are beginning to be disciplined."

Funding Status

Currently, the E.Y.C. Academy is waiting for its funding to clear the Senate. Mary Zoghby, resource development director for the Boys and Girls Clubs of Greater Mobile, said they receive 75 percent of their funding from the state and 25 percent from the city and county of Mobile. "We are funded for 48 beds and we would like to have an additional \$200,000 (in our state funding) to expand to 60 beds," she said.

The boot camp has been operating out of trailers and shares some facilities with the Strickland Youth Center. According to Gary Christopherson, corps director, the boot camp will relocate this summer to a new 9.6 acre facility. It will accommodate 80 recruits.

Direct Deposit :

The Fastest Way to Get Your Check to the Bank

Friday is pay day. Will your check get to the bank on time? Those court officials and employees with direct deposit can answer this question with a confident yes. Those of us without the convenience of the automatic deposit to our checking or savings accounts however, can't be so sure. Direct deposit gets your money safely to the bank. It is not deterred by hurricanes, tornados or snow storms. Your check is credited

to your bank account at 12:01 a.m. Friday morning.

More than 50 percent of the Alabama Judicial system's officials and employees are currently using direct deposit.

To ensure that your funds are quickly,

reliably and safely transmitted to your bank account, contact AOC's personnel office at (800) 392-8077 or (334) 242-0300 and request a direct deposit sign-up form - remember to attach a voided check or deposit slip to the form when you return it to AOC's payroll division.



Court Personnel

Appointments

Larry K. Anderson was appointed circuit judge to a new judgeship in the 20th Judicial Circuit on April 4, 1996.

John L. Capell III was appointed circuit judge to a new judgeship in the 15th Judicial Circuit on April 4, 1996.

Robert A. "Tony" Cothren was appointed circuit judge to a new judgeship in the 10th Judicial Circuit (Bessemer) on April 4, 1996.

Allwin E. Horn III was appointed circuit judge for the 10th Judicial Circuit on March 28, 1996. Judge Horn replaces Judge Kenneth O. Simon.

Philip N. Lisenby was appointed circuit judge to a new judgeship in the 6th Judicial Circuit on April 29, 1996.

Bruce E. Williams was appointed circuit judge for the 23rd Judicial Circuit on Feb. 16, 1996. Judge Williams replaces Judge C. Lynwood Smith.

Thomas A. Woodall was appointed circuit judge for the 10th Judicial Circuit on Feb. 15, 1996. Judge Woodall replaces retired Judge H. Stuart Leach.

Karen K. Hall was appointed district judge in Madison County on April 5, 1996. Judge Hall replaces Judge Bruce E. Williams.

Cordelia H. Gandy was appointed as circuit clerk in Coosa County effective Jan. 15, 1996. Ms. Gandy replaces Gerald D. Parker who was appointed supernumerary circuit clerk.

Shelley S. Bishop was appointed March 1, 1996, as the official court reporter for Judge N. Pride Tompkins of the 31st Judicial Circuit. Ms. Bishop replaces Louise R. Bridges who was appointed as supernumerary court reporter.

Shawn M. Graham was appointed April 1, 1996, as the official court reporter for Judge Loyd H. Little Jr. of the 23rd Judicial Circuit. Mr. Graham replaces A.D. Harrison who was appointed as a supernumerary court reporter.

Julie K. Wall was appointed official court reporter for Judge James S. Garrett in Birmingham on Jan. 22, 1996.

Retirements

Presiding Circuit Judge H. Stuart Leach, 10th Judicial Circuit, retired Jan. 31, 1996, after 13 years of public service in the court system.

Elayne M. Campbell, former court specialist for the Montgomery County circuit clerk's office, retired March 29, 1996, after 19 years of public service in the court system.

Myra J. Kirkham, former court specialist for the Marengo County circuit clerk's office, retired Feb. 29, 1996, after 21 years of public service in the court system.

Dianne G. McLaney, former court specialist in the Barbour County circuit clerk's office, retired Feb. 29, 1996, after 15 years of public

service in the court system.

Rita L. Alderson, former judicial assistant for Circuit Judge H. Stuart Leach, Birmingham, retired Jan. 31, 1996, after 15 years of public service in the court system.

Edward E. Myhand, former court attendant for Circuit Judge Dwight Fay, Madison County, retired Jan. 31, 1996, after seven years of public service in the court system.

Dale T. Roberson, former bailiff for Circuit Judge Michael McCormick, Birmingham, retired Jan. 31, 1996, after nine years of public service in the court system.

Resignations

Circuit Judge Kenneth O. Simon, 10th Judicial Circuit, resigned Feb. 16, 1996, after four years of public service in the court system. Judge Simon has returned to private practice.

Circuit Judge Charles Lynwood Smith, 23rd Judicial Circuit, resigned Jan. 4, 1996. He served as a circuit judge for almost 15 years and prior to that as a district judge. He received a presidential appointment to the U.S. District Court for the Northern District of Alabama and took office on Jan. 4, 1996.

Randy C. Helms, assistant director of AOC's Trial Court Services resigned March 15, 1996. He worked at AOC for a combined total of 14 years. He was appointed the director of the Crime Victims' Compensation Commission on March 18, 1996.

Hattie Mixon, court specialist, resigned April 26, 1996, after 16 1/2 years of public service in the Lamar County circuit clerk's office.

In Memoriam

Justice Richard L. Jones died April 24, 1996. He was elected as an Associate Justice of the Alabama Supreme Court in 1972 and was re-elected without opposition in 1978 and 1984. He brought to the Court his experience of 24 years as a trial lawyer, having practiced in Aliceville, Bessemer and Birmingham. Justice Jones retired from active service on the Court in January 1991 but continued to serve the Supreme Court in several areas.

During Justice Jones' tenure on the Court, he served as a member of the Alabama Code Revision Committee and the Alabama Judicial Conference. He also held the position of Adjunct Professor at the Cumberland School of Law.

Edgar Earl King, supernumerary court reporter, died Feb. 2, 1996. Mr. King also served as the register in Covington County. He was appointed as an official court reporter for the 22nd Judicial Circuit by Judge Robert S. Reid on Jan. 1, 1935, and served until Jan. 1, 1975.



Personnel Profile

By Sheila Walker

Mary Middleton isn't the type of person who works eight hours and goes home to rest. She gives her time all day at the Montgomery County child support office and then she gives evenings and weekends to the Special Olympics.

Giving is a way of life for Mary. She gets so much satisfaction from that, that sometimes she feels like she's giving away her life.

Mary admits that helping the people involved in the 27th Special Olympics that entered the child support office this year was sometimes difficult. However, her office overlooking Washington Avenue doesn't possess a hint of dismay. Instead it is filled with decorations of the season and her pleasant voice.

Her secret, during the past 15 years, for staying pleasant in the presence of many unhappy people — people outside of the office. "Many of the people we serve are going through a very unpleasant situation. There usually isn't a way to make them feel better."

Hence Mary receives an abundance of gratitude from the children she teaches as the director of skating for Special Olympics. "I leave every session feeling refreshed," she says. "The athletes give you an appreciation of life."

She and Joe Braxton, her brother, teach more than 100 Montgomery students between the ages of 8-22 at Looney's Skating on Tuesdays and Saturdays. "I teach them to help other people," she said. "I want to instill that in them more than anything."

And she has. Several of her students have brought home gold, silver and bronze medals from the World Games.

Mary Middleton, a specialist, is a valuable person to the Alabama Unified Judicial System not only for her service to the courts but for her service to children. If you would like to recommend someone in your office to be recognized in the personnel profile as an outstanding individual, please contact Sheila Walker, AOC.

Montgomery to Serve as Pilot Site for Mediation/Settlement Week

By Rich Hobson

Circuit Judge Sarah Greenhaw, 15th Judicial Circuit, is planning a Mediation/Settlement Week this summer. The purpose of the event is twofold: to clear the docket of pending civil cases, and to provide participants the opportunity to decide their own cases through mediation. The Montgomery efforts will serve as a pilot site for possible statewide expansion of the program in 1997.

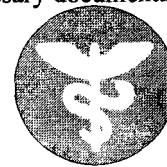
The American Bar

Association describes Mediation/Settlement Week as "a joint bench-bar project designed to focus efforts of a local court system on settling cases through mediation." During a "litigation truce" with a limited docket of contested trials and hearings, trained volunteer mediators conduct settlement conferences on pending civil cases. (See "Montgomery" next page)

Modification of Health Insurance Eligibility Rules

Since Jan. 1, 1996, the State Employees' Insurance board (SEIB) has required documentation to verify the status of all dependents added to family coverage. Documentation should accompany your completed SEIB Enrollment Form or Membership Status Change Form. Necessary documentation includes:

- 1) marriage certificate,
- 2) birth certificate,
- 3) adoption decree,
- 4) guardian order of appointment.



Also since Jan. 1, 1996, the SEIB no longer allows common law spouses to be added as dependents under family coverage. All common law spouses covered as dependents prior to January 1 will be allowed to retain their eligibility status, subject to appropriate verification.

These strengthened eligibility requirements were adopted by the SEIB to prevent ineligible persons from fraudulently receiving health insurance benefits at the expense of other members and the taxpayers. It is expected that the enforcement of this new policy will help reduce claims and, therefore, protect the excellent health benefits currently enjoyed by state employees. Failure to provide the proper documentation may result in delayed enrollment of dependents. If documents are not forwarded with the enrollment form, you will be contacted directly by the SEIB.

Judiciary Reviews Court Referral Programs

By Marty Ramsay

On Feb. 9, 1996, a committee of 18 trial court judges met at the Judicial Building to discuss the Court Referral Officer (CRO) and Court Referral Programs. During the day-long meeting several recommendations were made concerning the future of these programs.

The committee recommended that CROs become independent from court referral programs. This was suggested because a possible conflict of interest exists.

For the past three years, presiding judges have been notified when independent CRO contracts are to be renewed. In several instances, the

presiding judges, with input from other judges, have requested the CRO become neutral and detached from the court referral program. Currently, there are 12 sites, covering 16 counties, where CROs are independent from court referral programs.

A recommendation was made for presiding judges to continue requesting that CROs become independent until a funding mechanism is located to fund all CROs.

The committee supported an increase in the Level I fee. This fee has not been raised in the last nine years.

Concerns about the type programs AOC certified was discussed. Currently, there is no authorizing state agency certifying any domestic violence programs, batterers programs, or quasi-treatment programs for alcohol and drug abusers.

If you have comments or concerns about the Court Referral Programs, please contact Marty Ramsay in AOC's Trial Court Services Division.

■ 6 May 1996

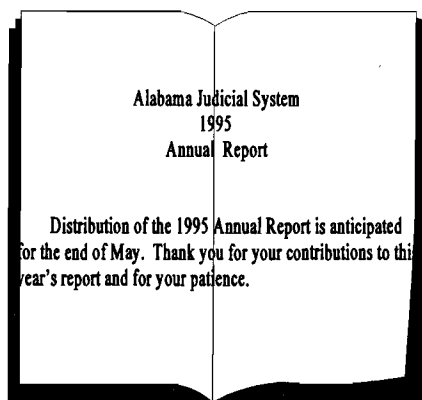
Alabama Court News

Montgomery (continued)

Judge Greenhaw hopes that "this may be a way for individuals to be involved in the resolution of their disputes." Currently, Mediation/Settlement Week is planned to be conducted at the Montgomery courthouse, where Judge Greenhaw will be available for assistance.

Judy Keegan, administrator of the Alabama Center for Dispute Resolution, will assist with the event by providing training to the mediators. Ms. Keegan, formerly of Montgomery County, Md., has prior experience with Settlement Week. "Where Settlement Week efforts have been tried, judges, attorneys and participating parties were impressed with the results in clearing up old cases," she said.

The results of the Mediation/Settlement Week pilot project will be reported in an upcoming issue of the Court News.



Attention Judges:

There are 67 training days left before the 2nd Annual Change of



Venue 5K Run/Walk during the 1996 Circuit and District Judges Annual Conference. For more information, please contact the Alabama Judicial College.

Alabama Court News is

published quarterly by the Administrative Office of Courts' Public Information Office.

It welcomes news about Alabama's courts and their programs, projects and personnel.

To contribute news, please contact Sheila [redacted] at (800) 392-8077 or (334) [redacted] 0800.

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