



# COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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November, 1977

TAPLEY TELLS SUNSET  
COMMITTEE PROGRESS IS  
BEING MADE IN MANAGING  
STATE COURT SYSTEM

(The following is a statement  
made by Allen L. Tapley,  
Administrative Director of Courts,  
before the legislature's Sunset  
Committee on November 8, 1977.)

By way of background, I would like to address three general areas:

- (1) General comments and observations in regard to the Unified Judicial System and the Administrative Office of Courts.
- (2) Some of the specific steps taken by the Administrative Office of Courts and system officials and employees to better manage the system.
- (3) Briefly discuss with you the Unified Judicial System's current financial status.

I am familiar with the fact that there are those of you who have doubted the merits of a Unified Trial Court System for the State of Alabama. There have been various transitional problems, day-to-day operational problems and resistance to change problems. I wish I could tell you they are all solved, but they are not. However, we have made good progress, and transition phases have now been completed with reasonable success.

In January, I came to Montgomery -- I came objective and remain so. I mention that to make it clear that in my mind I am not entirely certain that the system as currently designed is absolutely the best way to provide trial court services to the people of this State. We have been in full operation for one month; it is too early to assess the operational merits of the system.

However, let me stress what I do believe:

- (1) The Unified Judicial System is a good conceptual idea and the basic philosophy behind the system is fundamentally sound.
- (2) The Unified Judicial System is not unmanageable. In fact, it can be determined that, though it will not be an easy task, it definitely can be managed and controlled. It should be further noted that the trial courts of this State needed badly to be managed.
- (3) With the proper management, I believe the system can certainly be viewed as cost effective. At this point, I should mention that it will no doubt take more of a financial investment. No one ever knew what it

cost before so we remain uncertain as to the increase in investment. However, the end product should be a better court system for the people. Given time, you will note that the investment will pay off in a better system.

- (4) The Unified Judicial System does not have to be, and in fact is not, a system wherein costs will "balloon" or "Bankrupt the State." For example:

- (A) We know there is a need for a \$24.2 million funding level in FY 1977-78.
- (B) We know there is a need for a \$26.2 million funding level in FY 1978-79.

This \$2 million increase includes:

- (1) Adequate cost-of-living increases in all budget categories.
- (2) "Progress requests" -- i.e., funding of a badly needed comprehensive microfilming program -- which at some point must be accomplished.
- (3) Regional Court Administrators.
- (4) Remaining equipment and start-up costs.

These are "progress programs" -- they are long range, cost effective and quite honestly can wait. The longer the wait though the more acute the problems become and the costs increase when incurred.

- (5) In summary of these observations, I believe the system to be working and doing so reasonably well. Progress has been hampered by:
- (A) The massive complex change.
  - (B) Erroneous information and lack of information and historical data, which resulted in inadequate planning in some areas.
  - (C) The nagging problem of inadequate funding which has hampered progress to date.

Finally, I submit to you -- "We are where we are today" one month into the system. Irrespective of personal viewpoints, it behooves us all to work together to make the system work for the people of this State.

The legislature certainly is vested with the authority to change or alter the system as it sees fit when it sees fit. However, I caution that any major change should be carefully planned to avoid disruption in the delivery of court services to the people.

Now, what progress have we made specifically to improve, manage, and control the system at the State level.

- (1) The Administrative Office of Courts is currently staffed with 62 people -- 59 permanent -- no significant increase is expected.
- (2) Aside from the administration and legal operations (one staff attorney), the primary thrust of our operations consists of finance and trial court management operations.

Within the finance operations, we have implemented management and budgetary controls, which accomplish the following goals:

- (1) No expense is allowed to be incurred within the trial court operations without prior approval of the State office. We adhere to a strict line item budget.
- (2) Determine what the system costs. Our expense accounting system will yield data at the lowest level of operations.
- (3) A 20-30 percent savings by bidding and centralization of purchasing of court forms, clerical office supplies, equipment, while at the same time, attempting to retain as much autonomy at the local level as good business practice permits.
- (4) Development of revenue accounting system to determine actual revenue that will flow from the courts. Our best estimate at present is in the range of \$12-\$14 million. All in all, we are getting to the point of operating on a "tight ship" basis. This time next year, we hope to document with hard data all financial decisions as opposed to projection and guess work that has been done to this point.

The area of trial court operation consists of (A) personnel division, (B) management information systems division, (C) the records management division, (D) courts planning division, and (E) municipal courts. This is where we plan to place emphasis upon management within the trial court operations.

(A) In Personnel, where most of the expense lies, we took on board basically the people that were in the system. The State office classified and is paying the court employees as state employees in accordance with what we thought was legally and rightfully correct. Most of these employees are making more money. In some locations there are too many people, and in some locations we have need for additional employees. Right now, we are evaluating carefully the staffing within the trial court operations, roles and responsibilities, and plan this year through utilization of grant funds to do a manpower time and motion study to determine the function of each employee in the system. We now have accurate monthly up-to-date caseload information and this will be utilized in meeting these determinations. No vacancy and no new positions are now filled unless fully justified.

(B) Our Records Management Staff has reduced the number of court forms in use from 10,000 various forms being utilized to approximately 300. These forms will be bidded on a statewide basis this year, effecting a cost savings of nearly a half million dollars.

(C) In the Management Information System, we now have in operation case filing and disposition reporting from the District, Circuit, and Small Claims courts by month and cumulatively.

(D) One of the major areas where cost savings and efficiency can be effected is in the area of case management and juror management. We plan to have meetings with judges to begin assessment, planning, and practical implementation of systems for better case and juror management.

This past summer, our best projections indicated that some \$24.2 million would be needed to adequately and reasonably fund the Unified Judicial System. We now have actual financial data which indicates that the current funding level of \$20 million will not enable the trial court system to operate. The Unified Judicial System needs the \$24.2 million funding to operate this fiscal year.

#### HOPE WHEAT MAY BE CONTACTED BY CALLING ADMINISTRATIVE OFFICE

board at the Administrative Office of Courts and leaving a name and number for Mrs. Wheat to return the call.

Mrs. Hope Wheat, coordinator for clerks and registers, may be contacted by calling the switch-

#### IT'S NOW "THE ADMINISTRATIVE OFFICE OF COURTS"

Office of Courts, both created by legislative act. The Administrative Director of Courts is, under statutory authority, the head of both of these offices. This has, in many instances, created some confusion as to the function of both offices, which, in effect, carry out the same function. For a time now, a trial balloon has been floated calling both offices the Administrative Office of Courts. This was done for several reasons: (1) The title fits well with the title of the Administrative Director of Courts. (2) Most such offices in the fifty States are called either "Administrative Office of Courts" or "Office of State Court Administrator." (3) Confusion as to who works for which office is eliminated both in-house and in the field. (4) There was some consideration as to a change of name creating a better image with the legislature.

Since 1975 there has been in existence a Department of Court Management and an Administrative

A good response from other State officials, the field, and legislators pertaining to the change has been received. So, effective November 14, both offices will be referred to as the Administrative Office of Courts. In some ways, the change will still have to be effected over a period of time, and the transition will be made gradually.

#### CENTRAL WAREHOUSE FOR COURT SUPPLIES SCHEDULED FOR MARCH

and state purchasing agent to discuss the Unified Judicial System's supply procedures.

The Administrative Office of Courts has on numerous occasions met with the state finance director, state comptroller,

Due to the fact that several different proposed supply plans conflicted with many of the State Department of Finance procedures, it is going to be

necessary for the Administrative Office to establish a central warehouse to effect prompt and efficient service to court offices in the 67 counties.

On Tuesday, November 1, 1977, the officers and steering committee of the Clerk's and Register's Association met in Montgomery to discuss the supply procedures proposed. Based upon consultation and deliberation with the clerks and registers involving cost effectiveness and prompt service, the Administrative Office of Courts will initiate and set up a central warehouse for clerical office supplies effective March 1, 1978.

At the meeting, the question was raised regarding court forms. Many changes have been made in the forms, with many more to come. When these changes are made and approval is given, all court forms will be bid. This means that all forms that are used within the Unified Judicial System will be purchased from one vendor. This method will help cut costs and also improve standardization techniques.

Until March 1, 1978, all Unified Judicial System office supplies and forms will continue to be purchased in the manner that is presently being used.

When final arrangements are complete, proper procedures will be sent to each office.

#### LEGAL NOTES OF INTEREST TO COURT OFFICIALS

\* \* \*

In an opinion dated August 24, 1977, the attorney general has determined that district court clerks are required to furnish boards of registrars with the names of the individuals convicted of any of the disqualifying crimes listed in Article 8, Section 182, Constitution of Alabama, and Title 17, Section 15, Code of Alabama 1940 (Code of Alabama 1975, Section 17-3-3). In the opinion, the Attorney General cited Section 15(2) of Title 17 (Code of Alabama 1975, Section 17-3-4), which requires all clerks to perform this duty at least once each month. Copies of this opinion may be obtained by telephoning the Administrative Office.

\* \* \*

In an opinion dated October 4, 1977, the Attorney General determined that a district court judge may not serve as a municipal court judge. The attorney general cited Section 280 of the Constitution of Alabama, which prohibits an individual from holding two offices of profit. Copies of this opinion may be obtained by making request to the Administrative Office.

\* \* \*

Section 12-20-25 of the Code of Alabama 1975 authorizes the removal of court files by attorneys upon receipt therefor. There is no rule of administration which would prohibit the taking of these files. Clerks and registers have been reluctant to allow files to be removed from the office

because they often place the case action summary, the record of the proceedings, within the file. Obviously, administrative problems arise, as well as potential difficulties, when these files are removed. The fact remains, however, that the Code of Alabama authorizes the removal of these files. The Administrative Office suggests that problems which arise in this area be discussed with the local bar association.

\* \* \*

Inquiry was made of the Administrative Office of Courts concerning the jurisdictional amount involved in small claims cases. There has been some confusion regarding exactly what is to be considered in deciding whether the jurisdictional dollar amount is satisfied in small claims matters. In order to qualify for treatment as a small claims case, a claim or dispute must not exceed \$500. Attorneys fees (if any), interest and costs are not considered in determining the jurisdictional amount. The only dollar amount that is relevant to the determination of a matter as a small claims case is the actual "amount in controversy" and not any other fees, costs, etc.

\* \* \*

Law enforcement officers have complained that some judges have issued instructions not to make an arrest prior to administering the chemical test for intoxication. The Alabama "implied consent" law (32-5-192, 1975 Code) provides that any person operating a motor vehicle upon the public highways shall be deemed to have given his consent to a chemical test or tests of his blood, breath or urine . . . if lawfully arrested. Thus it appears that the Alabama law requires a lawful arrest prior to the administering of the chemical test to satisfy one of the requirements to permit the results of the test admitted into evidence. Of course, a person under 32-5-192(c) may refuse, then other statutory sanctions apply.

\* \* \*

J. O. Sentell, clerk of the Supreme Court, issued two opinions of the clerk on October 25th of this year. In those opinions, Mr. Sentell was asked whether certificates of judgment and certificates of judgment and costs paid were "certified copies of court records." The opinion held they are not and, thus, a clerk is not entitled to receive the \$1.00 per page fee under Rule 45 of the Rules of Judicial Administration. A document prepared by an attorney to the effect that judgment and costs have been paid in a case is not the same as a "certificate of judgment" and no charge can be made for the clerk signing such a statement under Rule 45.

Mr. Sentell also was asked whether Rule 45's provision for \$1.00 per page fee for certified copies supersedes the 10¢ per page provision of Rule 40 relating to copies of the record on appeal. There is no conflict between these two provisions. Rule 40(B) fees are charged for preparing the clerk's record and the record on appeal in the course of an appeal. Rule 45 fees are those charged for copies of records that are made not in the course of an appeal.

**TRAFFIC COURT  
EDUCATION GRANT  
IS RENEWED**

Jesse J. Lewis, Governor's Coordinator, Office of Highway and Traffic Safety, renewed the Traffic Court Education grant in

the amount of \$89,000 on October 1, 1977. This year the grant provides primarily for a number of statewide and regional seminars to acquaint both new and experienced judges, clerks, and law enforcement personnel with aspects and problems of implementation regarding municipal courts scheduled to come under the Unified Court System on December 27, 1977.

A special feature of this grant requires the Administrative Office of Courts to gather and analyze court records for the purpose of identifying serious traffic problems emanating from traffic case adjudication and the absence of appropriate citations following serious traffic accidents.

To assist the Administrative Office in resolving some of these problems, Chief Justice Torbert has appointed a committee of judges, clerks, and traffic safety officials to study the current recordkeeping system and make recommendations for correcting procedures related to traffic problems. Hon. Tennant M. Smallwood, presiding judge, Birmingham Municipal Court, was named to chair this committee. Other members are: Hon. Jerry M. Vanderhoef, Hon. Phyllis Nesbit, Hon. Joseph N. Poole III, Hon. Emmett Roden, Hon. Matthis Piel, Hon. Thomas D. Samford III, Mr. Glenn Murphy, Ms. Eunice B. Blackmon, Mr. Oscar Stillwagon, and Capt. Charles E. Smith.

This grant also provides staffing for the Uniform Traffic Ticket Project.

**ALABAMA REMAINS A LEADER  
IN DWI REFERRAL PROGRAMS**

The State of Alabama continues to be one of the leading states in DWI Court Referral programs

for defendants charged with DWI. With the support of the Office of Highway and Traffic Safety, the Administrative Office of Courts has established 51 programs for traffic courts in 62 counties. The most recent programs, with classes beginning in September, were established in Jasper and Fayette, serving the courts of Walker, Fayette, and Lamar Counties. These programs are conducted by the Northwest Mental Health Center.

The DWI program is used by the judges as an extension of their courts to refer drivers who are charged with driving while intoxicated. It is an educational effort separate from law enforcement and is used to counsel DWI defendants on the dangers of drinking and driving. The course is designed to provide information on the consequences of drinking and driving with the focus on individual differences in tolerances to alcohol, to consider both the reasons why people drink and drive and countermeasures to the problem. The drinking driver has traditionally been dealt with through law enforcement and criminal court procedures, essentially punitive in nature. The DWI Court Referral Program is a supplement to traditional procedures, not a substitute for them.

**EXPENSE CLAIMS FOR TEMPORARY  
BAILIFFS SHOULD BE FILED ON  
CORRECT EXPENSE FORMS**

As outlined in a policy memorandum of November 8 regarding employment of temporary bailiffs, the rate of pay for such employees will be \$20 per day regardless of the number of hours worked. All requests for compensation must be submitted on Expense Claim for Services form (FIS-45). In addition, all such claims must be signed by the judge in whose court the bailiff served. Use of FIS-45 will help reduce the time required by the fiscal division of the Administrative Office to process payments for temporary bailiffs.

**PROCESSING OF PERSONNEL  
ACTION FORMS NEARS COMPLETION:  
ANY ERRORS SHOULD BE CITED TO  
PERSONNEL DIVISION**

The personnel division of the Administrative Office has completed processing approximately 85 percent of the initial personnel action forms (Pers Form #26) confirming the appointment as state employees of those court support personnel who were placed on the state payroll as of October 1, 1977. This processing included preparation of individual personnel records folders and leave accounting cards for each employee. One copy of the appropriate personnel action form was placed in the records folder of each employee, which has been mailed along with the leave accounting cards to the appropriate administrator.

Leave balances for these employees were picked up from reports from the county commissions for those employees in counties who have a formal leave policy. Leave balances for all other employees were derived from the formula on page two of AOC memorandum of May 2, 1977, "Leave Transition Policy for Court Supportive Personnel."

Some delay has occurred in completing this processing because quite a few offices did not receive the September 29, 1977 memorandum, titled "Personnel Action Forms" (Pers 26), and a number of the county commissions were late in responding to our request for information. However, with the help of the administrators of the remaining units, this project should be completed within the next two weeks.

It is suggested that each affected employee review the information on both the initial personnel action forms and leave accounting cards to insure accuracy of all the data involved. Any errors detected should be brought to the attention of the personnel division.

**UNIFORM TRAFFIC TICKETS  
WILL BE PROVIDED TO ALL  
LAW ENFORCEMENT AGENCIES**

The Administrative Office of Courts is making plans to provide law enforcement agencies with a simplified version of the Uniform Traffic Ticket and Complaint in January, 1978. Arrangements have been made with the Office of Highway and Traffic Safety and its coordinator, Jesse Lewis, for the purchase of these tickets. They will be mailed directly from the vendor to each agency. In addition, the UTC manual will be updated and provided law enforcement agencies and courts prior to January.



**DEPARTMENT OF PUBLIC SAFETY  
REQUESTS PLACING OF UTC NUMBER  
ON TICKETS BY CLERKS, JUDGES**

and the DL6B (Pink) portions of the ticket. This number can be placed on the line designated Docket Number or Case Number. This will be a great help to DPS in placing an individual on suspension and clearing a suspension on computer.

The Department of Public Safety has requested that clerks and judges place the Uniform Traffic Ticket number on the DL6B (Yellow)

**COURT PLANNING  
A VITAL PART OF  
UNIFIED SYSTEM**

of the Unified Judicial System, the Court Planning Unit was established in the Administrative Office to provide staff support in these areas.

With increased involvement in the federal grants process and in recognition of the need to develop a long range plan for the development

Since its establishment in April, 1977, the Court Planning Unit has primarily focused its efforts on the implementation and coordination of federal grant assistance projects. Currently, some \$1.3 million of federal support is being provided to the judiciary within Alabama. Projects vary in size and complexity from an \$8,000 grant for personnel training to a \$230,000 grant for personnel and equipment for various local trial courts.

The responsibility of the Court Planning Unit relative to the federal support activities consists of the development of grant applications based on input from the various sectors of the Unified System and priorities established by the Judicial Planning Committee, the chief justice and the administrative director of courts; coordination with other AOC divisions and local trial courts to insure timely implementation of projects, the compilation and submission of project reports; coordination with the grants accountant in monitoring grant fiscal activities in order to insure maximum utilization of the assistance provided; and the evaluation of these projects to more accurately assess the impact of this assistance on the Unified Judicial System.

On October 1, 1977, the first major federal assistance projects coordinated by the Court Planning Unit were implemented. In contrast to a historical two to three months delay in the implementation of grant projects, the timely implementation of these projects insured the maximum feasible utilization of federal assistance and, perhaps more importantly, delivered needed personnel and equipment to the local trial courts in a quicker manner.

With improved grant management processes implemented, the Court Planning Unit is now shifting its efforts toward its primary objective - the revision of the Alabama Courts Master Plan and the development of an on-going planning process for the Unified Court System. Preliminary procedures for the implementation of this planning activity have been developed, delineating various vehicles and means to solicit representative participation by the diverse sectors of the Unified Court System, in the identification of the system's needs and the establishment of long range goals and objectives for the system. The objective of this planning process will be the development of a framework by which our limited resources may be comprehensively directed toward the alleviation of these identified needs and problems and the attainment of the goals established for the system.

**BUDGET CUTS FOR STATE  
TRIAL COURTS OUTLINED**

A recent opinion by the attorney general's office removing a budgetary restriction which limited state court expenditures to revenue produced means that the judicial system can "limp along" until the legislature can be asked to adequately fund court services at the next regular session.

The opinion, released last week, would allow the trial courts of the state to spend the \$20 million budgeted by the legislature plus an additional amount which was legislatively appropriated for state employee cost of living pay raises.

"An assumption that this opinion removed all our budgetary problems and will allow the people of the state full and uninterrupted judicial services for the upcoming fiscal year would be totally erroneous," said Allen Tapley, Administrative Director of Courts. "We will still need an additional \$2.8 million to provide the necessary court services and we must go to the legislature for this additional amount when it reconvenes early next year," he added.

Tapley said that, because the trial court budget is allocated on a quarterly basis, rather than in one lump sum at the beginning of the fiscal year, severe cuts in services have begun immediately. "This means," he said, "that instead of a quarterly allocation of \$6.05 million, which is what we need, the trial courts will only receive a quarterly allocation of some \$5.3 million." Tapley said that sound management dictates that the system budget on the basis of the lesser amount instead of attempting to spend and hope the legislature will come through with an additional appropriation next January.

He stressed, however, that this will mean a severe reduction in judicial services throughout the state. To manage the courts on the \$5.3 million quarterly allocation, Tapley outlined the following cuts which must be made:

- (1) Personnel costs - \$516,605. This means a severe reduction will have to occur in the normal administration of the personnel system. It also means no additional employees can be added and many vacancies which normally occur cannot be filled.
- (2) Juror and witness costs - \$1,297,253. Some \$2.8 million is needed annually for these costs. This means that when our quarterly allocation for juror and witness costs runs out trials will have to be delayed or postponed.
- (3) Purchase of replacement equipment - \$546,040. This means that no equipment can be replaced during the 1977-78 fiscal year.
- (4) Other reductions include: \$8,000 for design of new court forms; \$119,280 for computer operating costs; \$217,362 for judicial education and educational memberships; a \$101,400 reduction in the purchase of office supplies; a \$60,000 reduction in the purchase of recordkeeping supplies.

The ultimate resolution, according to Tapley is twofold: (1) Legislative action to enact a supplemental appropriation at the next session; and (2) the continued conscientious and dedicated public service of court officials and court support employees.

Tapley said that it is important to understand that this is a year of total transition, fiscally, for the state's judicial system.

"For the first time in the history of the state, we are beginning to get a grip on the fiscal and budgetary management of a part of state government that has had no such management in the past. We have made a great deal of progress in these areas which will only begin to show when there is enough historical data available to effect accountability within the system," Tapley said.

"The court operations budget is a relatively small part of state government, but one of essential importance to the life, liberty and property of all Alabamians. It is our goal to provide adequate court services to the people of the state and manage those services in the most economical method possible," he said.

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BUDGET ANALYSIS - FY 1977-78

<u>Item of Expenditure</u>	<u>Proposed Budget</u>	<u>Budgetary Cuts</u>	<u>Appro. Budget</u>
Statutory Personnel	\$ 8,982,700	\$ -0-	\$ 8,982,700
Nonstatutory Personnel	8,740,957	516,605	8,224,352
Employee Benefits	35,000	-0-	35,000
Copying Service	223,229	-0-	223,229
Postage	134,420	-0-	134,420
Printing	13,640	-0-	13,640
Dues and Memberships	57,800	57,800	-0-
Equipment Maintenance	51,462	-0-	51,462
Design & Composition of Forms	8,000	8,000	-0-
Travel (Official In-state Business)	126,384	-0-	126,384
Juror and Witness Fees	2,724,456	1,297,253	1,427,203
Computers	241,430	119,280	122,150
Bonding	7,500	-0-	7,500
Training and Education	159,562	159,562	-0-
Motor Vehicle Operation	2,784	-0-	2,784
Equipment Rental	13,404	-0-	13,404
Office Space Rental	35,268	-0-	35,268
Utilities & Janitorial Service	16,500	-0-	16,500
Telephone	31,824	-0-	31,824
Federal Match	89,340	-0-	89,340
Office Supplies	1,001,305	101,400	899,905
Standardized Forms	615,675	-0-	615,675
Recordkeeping Supplies	111,750	60,000	51,750
Law Libraries & Subscriptions	106,197	106,197	-0-
Equipment Purchase	546,040	546,040	-0-
Judicial Inquiry Commission	50,500	-0-	50,500
* Special Commissions	45,010	-0-	45,010
<b>TOTAL</b>	<u>\$24,172,137</u>	<u>\$2,972,137</u>	<u>\$21,200,000</u>
* Court of the Judiciary, Judicial Compensation Commission, Indigent Defense, Permanent Study Commission, Judicial Conference			

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**DATE CHANGED FOR CIRCUIT,  
DISTRICT JUDGE CRIMINAL  
CODE SEMINAR**

Following a request from presiding circuit judges at a recent meeting in Birmingham, the Administrative Office has changed the criminal code conference from mid-February to January 11-13, immediately prior to the State Bar Association meeting. The place is the Holiday Inn/East in Montgomery, a short distance from the Governor's House Motel, site of the State Bar meeting.

**SCHEDULE OF MEETINGS FOR DECEMBER, 1977 - JULY, 1978**

<u>MEETING</u>	<u>DATE</u>	<u>LOCATION</u>	<u>SPONSOR</u>	<u>REIMBURSEMENT</u>
Clerks and Registers Bench Manual Comm.	12/7	Quality Inn/South Birmingham	AOC	Yes
Clerks and Registers Winter Conference	12/8-9	Quality Inn/South Birmingham	AOC	Yes
Circuit and District Judges Criminal Code Conference	1/11-13	Holiday Inn/East Montgomery	AOC	Yes
Ala. State Bar Assn. Mid-Winter Meeting	1/13-14	Governor's House Motor Inn Montgomery	ABA	No
Criminal Code Conf.	1/19-20	Sheraton Motor Inn Mobile	CLE	No
Criminal Code Conf.	2/23-24	Hilton Inn Huntsville	CLE	No
Criminal Code Conf.	5/4-5	Governor's House Motor Inn Montgomery	CLE	No
Ala. State Bar Assn. Annual Meeting	7/20-22	Sheraton Motor Inn Mobile	ABA	No

**CHARLES CAMERON ACCEPTS  
POSITION IN HOUSTON, TEXAS**

Charles Y. Cameron, special assistant to the chief justice, has resigned to accept a position as a court administrator in Harris County (Houston), Texas. From 1971 until his resignation, Cameron served as state court administrator, administrative director of courts and special assistant to the chief justice.

**RUTH HENRY PRESIDENT  
OF SECRETARY ASSOCIATION**

Ruth Henry of Opelika is the president of the Association of Circuit Judges' Secretaries. Other officers of the association are: Anna Fay Shaw of Montgomery, vice president; Charlotte Trumbly of Birmingham, treasurer; Sherri Holmes of Montgomery, secretary.

## Limestone attorneys favor separate circuit creation

By Bob Duнавant  
Correspondent

ATHENS—A majority of the practicing attorneys in Limestone County have endorsed the creation of a separate circuit court for the county.

In a special vote taken by the Limestone County Bar Association this week, a majority of the 17 members said they felt a separate circuit should be created.

"I feel the people of the county would get better service if we had our own circuit," said Bill Owens, president of the bar association.

The county is presently part of the 8th Judicial Circuit that includes Morgan and Limestone counties. The counties share the services of three circuit judges and one prosecutor.

The bar association was asked for its opinion on creation of a separate circuit this week after Dist. Atty. Mike Moebes was criticized for alleged lack of activity in the Limestone half of the circuit.

BIRMINGHAM NEWS  
Birmingham, Alabama 35202

Moebes replied that he tried to devote as much time as possible to prosecuting cases in Limestone, but said the majority of his case load was in Decatur.

The controversy led Limestone County Commission Chairman Charles Christopher to request the bar association's opinion on creation of the separate circuit.

"I don't think this vote is against Mike Moebes or the job he has been

doing in any way," one member of the bar association said, "but we just think Limestone County would be better off with its own separate circuit court system."

Alabama has 38 judicial circuits. The 8th Judicial circuit once encompassed Lawrence and Cullman counties, as well as Morgan and Limestone. Both Cullman and Lawrence split from the circuit several years ago to form separate circuit systems.

## Supreme Court gets no respect

The Alabama Supreme Court just don't get no respect.

During oral arguments of a case Monday afternoon, Justice James Faulkner noted that a young assistant attorney general already had a copy of the newly revised Alabama Code—something the high court doesn't yet have.

"I know this is irrelevant," said Faulkner, "but how is it you have one and we don't?"

Chief Justice C.C. "Bo" Torbert had a quick answer. It seems, he said, the distribution of the new code is being done by the alphabet.

"Attorney general starts with an 'A' and Supreme Court starts with an 'S,'" said Torbert. "We've been taking a lot of kidding about this."

THE MONTGOMERY ADVERTISER  
Montgomery, Alabama 36104

## Pay raise opinion awaited

MONTGOMERY, Ala. (AP) — State judges and some 300 state employes are awaiting an opinion from Atty. Gen. Bill Baxley on whether they are entitled to a pay raise granted most state employes this year.

Until Baxley issues his opinion, however, district and circuit court judges and appellate court justices are not sharing in the 7.5 per cent pay hike which became effective Oct. 1 for state employes.

Likewise, Baxley's inaction is preventing 170

Forestry Commission employes who have arrest powers from receiving a \$3,000 raise annual granted to state troopers Oct. 1.

The state agencies controlling the pay hikes are awaiting Baxley's opinion on whether the raises are legal before instituting the increases.

Baxley has not indicated when he will issue his opinion, but Assistant State Forester Charles Pigg said Thursday that the Forestry Commission expects an opinion possibly next week.

Pay hikes for appellate courts judges have been held up by State Comptroller Fred Zeigler, who has questioned whether the 7.5 per cent raise granted other state employes Oct. 1 applies to the justices.

MOBILE PRESS  
Mobile, Alabama 36602

## Judge Samford files appeal of removal

Former Lee County District Court Judge Bill Samford, removed from office June 6 on charges of delay in settling an estate and of using the money for his own purposes, appealed to the Alabama Supreme Court Monday in Montgomery.

Jacob Walker, attorney for Samford, told the panel of judges that Samford, who was removed by the Court of the Judiciary, was denied due process of law. He said that Samford had not been charged with neglect in not settling the \$7,500 estate of Jean Flakes Williams, but had been found guilty of using that money for his personal business.

It is denial of due process to be found guilty of something for which one is not charged, said Walker.

Mrs. Williams died in an automobile accident near Opelika in June, 1973.

Walker also said that the Canon of Judicial Ethics,

which Samford was found guilty of violating, did not become effective until Feb. 1, 1976, and that Samford could not be found guilty charged with delay occurring

before that time. The delay, say the charges, was from November, 1974 to January, 1977.

No decision has been announced.

AUBURN BULLETIN  
Auburn, Alabama 36830

## State may get judiciary college

Alabama Chief Justice C.C. Torbert has announced the appointment of a blue-ribbon advisory committee to study and plan the establishment of an Alabama College of the Judiciary.

According to Torbert, this committee is to provide the planning and implementation efforts in the area of education, orientation and training of judicial and court-supportive personnel.

The proposed college will serve all categories of personnel in the judicial branch of government with training and education directed to both new office holders as well as those who have served in the office for a period of time.

The committee, which plans to complete action by early 1978, includes William Lumpkin, Cherokee

County district judge; Sam A. Beatty, State Supreme associate justice; Edward Tease, Lauderdale County circuit judge; O.H. Florence, Jefferson County probate judge; Douglas Ghee, Ohatchee municipal judge; Morris Moats, Chilton County clerk; John C. Tyson, Court of Criminal Appeals presiding judge; Richard L. Holmes, Court of Civil Appeals presiding judge; John Whetstone, Alabama Prosecution Services director; Russell McElroy, retired Jefferson County circuit judge; George P. Taylor, University of Alabama professor; Richard Wilson, Montgomery County court reporter; John Walden, Auburn University professor; John Puryear, retired Tuscaloosa probate judge, and Carl Cecil, University of Alabama professor.

BIRMINGHAM POST HERALD  
Birmingham, Alabama 35202

B'ham Post Herald 11-10-77  
**High pensions, low salaries questioned**

By Frank Bruer  
Staff Writer

MONTGOMERY — The head of the Retirement Systems of Alabama said judges in the state should make higher salaries and draw pensions under the same formula as other public employes.

Dr. David G. Bronner, secretary-treasurer of the retirement systems, said the judicial retirement system already has serious problems in its unfunded accrued liabilities — the amount it eventually would have to pay the retired judges.

Bronner told the legislative Sunset Committee the 76 retired judges and judges' widows presently get \$1.1 million a year in pensions although they contributed only a total of \$221,631.72 to the fund.

"The judges get all the money back in the first two months of retirement from their contributions," the frequent critic of the judicial retirement system said.

Judges, like all elected public officials, were barred by the Alabama Constitution from drawing pensions prior to a 1975 judicial implementation act to a 1973 judicial article. Previously they avoided that provision by being "supernumerary" judges. That meant they could get retirement benefits but theoretically could be called into active duty at any time. Few actually were called.

The state now pays 42.5 per cent of judges' salaries into the pension fund for the judges and their wives.

Combined with Social Security payments, Bronner said, the state must pay 50 cents in fringe benefits for every \$1 of salary.

A number of judges now make more in retirement than they did on the bench because of recent salary increases and a benefit formula that gives them 75 per cent of salary of current judges.

Bronner said the judicial retirement fund appropriation for the current fiscal year was \$2.2 million but may rise to \$5 million next year.

He also charged that the "give-away" programs for supernumerary district attorneys, tax assessor and collectors and clerks and registers — who are not under the judicial retirement fund — should be set up on actuarially funded basis "or taken to the guillotine for direct violation of the Alabama Constitution prohibiting pensions to elected officials."

Bronner said judicial salaries should be hiked considerably and retirement put on the same formula as state employes and teachers as Tennessee has done, for judges taking the bench after Oct. 1, 1978.

# Judge Wilson: 'No more continuances'

By CURTIS A. MAULDIN  
Eagle Staff Writer

There will be a change in the handling of civil court cases in Walker County's Circuit Courts beginning Monday.

"No cases will be continued except in the case of an obvious, unavoidable emergency," Presiding Circuit Court Judge James E. Wilson stated on the cover sheet for the civil jury docket for next week.

It is also possible that history will be made with the operation of three courts at the same time, the judge said. It will be the first time that will have been done, according to Wilson.

The courts will be "in session and juries will be available until the 43-case

docket is disposed of, the chief judge said.

"We are going to have court until we finish." Two weeks of court are presently set on the calendar but three will be used if necessary.

"We are not going to pass any cases. We may not reach them all but we aren't going to continue any."

In the past, civil court judges have continued cases for numerous reasons and they have appeared on dockets for several consecutive months.

"We are going to break the logjam this time," Wilson said. There is a backlog of about 300 to 400 cases in the civil jury court files and some of them have been there for three and four years, according to the judge.

"We feel like the civil jury docket will begin to move," he said, adding that he hopes it will be up to date by the end of the year.

"Our goal is to try a civil case within 12 months of its filing. If Jefferson County can do it, we can do it."

Judge Wilson said in a recent interview that he has set an ambitious goal but also feels it is a reachable one.

He said he plans to have three courts available for all future civil jury court weeks and doesn't plan to continue any cases.

There will also be three criminal courts going at the same time if necessary, according to Wilson. But he said it is hard to foresee the need for more than one judge to handle the criminal docket. DAILY MOUNTAIN EAGLE  
Jasper, Alabama 35501

# Supreme Court upholds Junkin's order to stop prisoner transfer

State prisoners housed in other county jails will not be transferred to the Fayette jail, according to Circuit Judge Clatus Junkin.

The Alabama Supreme Court ruled last week in an eight to one opinion that Judson Locke, state prison commissioner, has no authority to force counties to accept inmates who are wards of the state from other overcrowded county jails.

The transfer of 20 Marshall County prisoners was sought by Locke in February of this year to relieve overcrowded conditions in several county jails. Locke was facing contempt proceedings for failure to place state prisoners in less crowded jails under a prison reform ruling handed down by Federal

Judge Frank Johnson. Judge Junkin issued a permanent injunction blocking Locke's transfer, as did officials in other counties facing the same situation.

The Supreme Court ruling was made on the Washington County case, Junkin said, but was made applicable to each county involved in the prison transfer.

Junkin said that the court decision stated that counties who are claiming overcrowded conditions must first make an effort to upgrade their own facilities and to comply with the federal court ruling before a prisoner exchange can be forced. Junkin said that state prison officials had not exhausted procedures set up under the law to relieve conditions in other parts of the state.

THE FAYETTE COUNTY  
BROADCASTER

# Ethics Act extends to some county boards

MONTGOMERY, Ala. (AP) — Clarifying a September 1976 ruling, the Alabama Supreme Court indicated Friday that members of at least some county boards are covered by the State Ethics Act.

The clarification was made in an order correcting language in a Sept. 23 decision excluding from provisions of the ethics act members of three organizations — the Judicial Compensation Commission, Court of the Judiciary and Board of Bar Commissioners.

The order did not change that finding. In fact, in making the correction, the justices rejected the State Ethics Commission's motion for a rehearing.

But it did change the justices' own view of what local boards are covered by the ethics act.

At issue is a section of the 1975 Ethics Act defining which public officials are covered by its provisions.

In the Sept. 23 decision relating to the three judicial bodies, the justices indicated that, in the 1976 order, they, in

effect, had struck the following phrase, in its entirety, from the definition:

"Members of city and county industrial boards, boards of adjustment, utility boards, housing boards, public hospital boards, and any boards, commissions, committees, authorities or councils hav-

ing jurisdiction thereto, in all cities whose population is more than 15,000 according to the last decennial census."

In correcting that interpretation Friday, the justices said that the 1976 decision only struck the words "... city and ..." at the beginning of the phrase and "... in all cities whose population is more than 15,000 according to the last decennial census," at its end.

Assistant Attorney General William Stephens, who represents the Ethics Commission, said that clarification means the county boards enumerated in the phrase are covered by the ethics act.

DECATUR DAILY  
Decatur, Alabama 35602

# Full house for Supreme Court at AU

Auburn University students filled the Union Ballroom three times Friday morning to hear three cases reviewed by the Alabama State Supreme Court here.

The high court, which is meeting in various cities around the state to allow people to see the court system firsthand, reviewed the convictions of Jerry Burkes of Marshall County, Thomas H. Caylor of Eight Mile and Heflin Mack Langford of Montgomery.

Burkes' conviction was of assault with intent to ravish, Caylor of charges stemming from a barroom shooting, and Langford of murder after his car struck a teenage boy.

For many in the audience, it was a first look at the formal process in which state and defense attorneys file written briefs and argue for specified times before the panel of judges. For students, there was a taste of excitement, too—from the whirl of television cameras allowed to film proceedings, to the tension of lawyers like defense attorney Larry Waites of Birmingham, expressed only by a clenching and unclenching of fingers behind his back as he argued.

The court's decisions on the cases heard here will be handed down later.



**GIVES CODE TO LAW LIBRARY**—Representative Jack Venable, left, has presented a copy of the "Code of Alabama, 1975" to the Elmore County Law Library. Receiving the recompiled volumes of Alabama Laws are Wetumpka Attorney Robert Milner, center, secretary of the Elmore County Bar Association, and Presiding Judge Joe Macon of the 19th Judicial Circuit. Each legislator receives two copies of the Code, and Venable said he wanted to give one copy to the Law Library for use by attorneys for Elmore County Citizens. Milner said the gift code, consisting of 27 volumes, would save the Law Library Fund some \$400.

THE WETUMPKA HERALD  
Wetumpka, Alabama



**ATTORNEY ARGUES**  
...Before Supreme Court Here  
AUBURN BULLETIN  
Auburn, Alabama 36830

## Prisoner transfer injunction upheld

MONTGOMERY (AP) — The Alabama Supreme Court says state officials can order transfer of inmates from an overcrowded county jail to another jail, but not before they make a written demand to county officials to correct the overcrowding.

That decision Friday by the court upheld an injunction which blocked the transfer of 15 inmates from Mobile to Washington County.

The justices said state law empowers the prison commissioner to order prisoners transferred from overcrowded jails, but another provision of the law requires him first to demand in writing that county officials correct the overcrowding.

BIRMINGHAM NEWS  
Birmingham, Alabama 35202

## The law on meetings

For many years state law has provided that all meetings of public bodies must be open to the public, with the single exception of discussions of "the character or good name of a woman or a man."

The statute has been widely ignored here and throughout the state. For some time it was overlooked, then there were conflicting interpretations of the law by the attorney general.

Last year Atty. Gen. Bill Baxley issued an interpretation saying the law meant just what it said — that city councils, water boards, park and recreation boards and all other local and state public boards and councils may not consider the public's business in secret.

But an attorney general's opinion is not law, so the confusion and evasion continued.

Now, for the first time, an Alabama court has ruled specifically

on the state open meetings law and has upheld it without equivocation.

On Sept. 20, Monroe County Circuit Court Judge Douglas Webb told the Conecuh-Monroe Counties Gas District that, as a public body, it could not prohibit, deny or obstruct, "directly or indirectly," newspaper reporters and the public from attending "all or any meetings," excepting any involving discussion of someone's "character or good name."

The judge further told the gas district board they must provide the media and the public with advance notice of all "scheduled, regular and call meetings."

Now that we have an official court ruling upholding the sunshine law perhaps public boards, councils and commissions in Calhoun County will be more reluctant to ignore or violate it.

ANNISTON STAR  
Anniston, Alabama 36201

**CHIEF JUSTICE  
AUTHORIZES HOLIDAY  
SCHEDULE FOR STATE COURTS**

Chief Justice Torbert has authorized a holiday schedule for state employees and officials in accordance with the holiday

schedule adopted by the governor for other state employees. The Administrative Office of Courts will observe that schedule as set out below. However, in view of the need for some flexibility in regard to holidays, the Supreme Court has provided, in Rule 77(c), Alabama Rules of Civil Procedure, and Rule 5, Alabama Rules of Judicial Administration, that the circuit or district courts may establish by local rule that the office of clerk or register shall be open on particular legal holidays. The Administrative Office of Courts suggests that, if there is a need for a variation in the holidays set out below, local officials cooperate in such arrangements. However, should any employee be required to work on the below scheduled holidays, that employee should be given compensatory time at a later date.

Thanksgiving: Thursday and Friday, November 24th and 25th  
Christmas: Friday and Monday, December 23rd and 26th  
New Year's: Friday and Monday, December 30th and January 2nd

**INSURANCE WILL BE DROPPED  
UNLESS PREMIUMS ARE MAILED**

Information was sent all employees that the payroll office was unable to double deduct Blue Cross/Blue

Shield premiums in the November pay period for the months of October and November. It is urgent for those eligible for coverage on October 1 to remit \$49.85 for October if dependent coverage is desired. The Administrative Office was informed this week that family coverage will be dropped for October and/or November if checks for family coverage (\$49.85) are not mailed promptly. Most have complied with this, but if you have not, do so immediately. Make checks payable to: Alabama State Insurance Board. Mail checks to: State Insurance Board, c/o Dorothy Hitchcock, 11 So. Union St., Montgomery, AL 36130. Recently, enrollment cards for Blue Cross/Blue Shield were mailed. Some have not been returned. These enrollment cards must be submitted to the payroll office. According to state rule, all state employees are covered by hospital insurance. Dependent coverage is optional. Please return these cards immediately to the administrative office.

**COURT NEWS**

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- C. C. TORBERT, JR.  
Alabama Chief Justice
- ALLEN L. TAPLEY  
Administrative Director of Courts
- FORREST L. ADAMS  
President, Association of Circuit Judges
- JERRY M. VANDERHOEF  
President, Association of District Judges
- C. BENNETT MCRAE  
President, Council of Juvenile Court Judges
- GLENN MURPHY  
President, Association of Clerks & Registers
- PAUL D. SMITH  
President, Shorthand Reporters Association

ROBERT MARTIN  
Editor of Newsletter

