



# COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

Vol. 1/No. 1

October, 1977

MESSAGE FROM  
THE CHIEF JUSTICE

The reorganization of Alabama courts into the Unified Judicial System is the most

massive reorganization in the history of our state government. Effective October 1, 1977, some 800 former county court employees became State employees within the Unified Judicial System. Except for municipal courts, which may be brought into the System December 27, 1977, virtually all court functions in Alabama have now been assumed by the State. This reorganization with all of its attendant difficulties and problems has taken place in less than a year. It has not been easy, by any means, but I am proud of the dedicated work and cooperative efforts between the staff at Court Management and all trial court officials and employees. Perhaps the most important means to ensure the successful implementation and operation of the unified judicial system is one of communication. It is, therefore, vital that a regular and official means of communication be established to disseminate information and policy from the administration at the state level to court officials and employees in our 67 counties. Such a means of communication will assist all within the court system by keeping everyone fully informed as to important matters and advising as to administrative policy. To accomplish this, the Administrative Office of Courts will begin publishing a newsletter each month. I believe this will serve our information function better and more economically. Our new court system can and will operate effectively only when all officials and employees are fully informed as to policies and procedures. Adequate State appropriation is still a vital and critical matter. At the present time, we have only some \$20 million appropriated for this fiscal year which began October 1. Additional funds are urgently needed to make the System work properly. We plan to request a supplemental appropriation from the legislature at its next session which is now scheduled for January 1978. In the meantime, budget cuts must be made and we must make every effort to operate our court system within available funds. There will be many difficult decisions, but I know that I can count on the help and cooperation of all of the court officials and employees.

RE-ORGANIZATION AT THE  
STATE ADMINISTRATIVE LEVEL:  
ALLEN TAPLEY NAMED ADMINISTRATIVE  
DIRECTOR OF COURTS; FOUR ASSISTANT  
DIRECTORS APPOINTED

Chief Justice C. C. Torbert, Jr. announced this past week a re-organization of the Administrative Office of Courts, naming Allen L.

Tapley administrative director and appointing four assistant directors to provide administrative leadership for the state's trial courts. The chief justice announced that Charles Y. Cameron, who has served as state court administrator and administrative director of courts since 1971, requested to be relieved of some of his duties in order to concentrate on his work with state judges. Mr. Cameron was appointed special assistant to the chief justice to carry out this task. Mr. Tapley announced the following changes at the administrative level: William Campbell was named assistant director/trial court management; Robert Martin, assistant director/administrative services; Bob Tillman, assistant director/finance; Ned Mitchell, assistant director/legal. Mr. Tapley has served as deputy administrative director since January. He is a native of Camp Hill, Alabama, a graduate of Auburn University and the graduate school of the University of Alabama. His background includes public education, public administration, regional education and public affairs. He is married and he and his wife, Judy, have two children. The chief justice called Mr. Tapley "a strong administrator," saying his talents are "badly needed in budget and fiscal matters affecting the trial courts." He said that Mr. Cameron will devote his efforts toward assisting in the task of obtaining the maximum use of judicial manpower and coordinating the assignment of judges where needed throughout the state. In addition, he said that Mr. Cameron will assist in the planning stages to emphasize in-state training and education for court officials.

Appointed assistant directors were:

Assistant Director/Administrative Services, Mr. Robert Martin. Mr. Martin has worked in public information and legislative affairs for the department since January, 1972. He was the second officer to join Court Management after its inception in late 1971. He was formerly editor of the Florence Times, and is a graduate of the University of North Alabama. He and his wife, Nancy, have four children. In addition to continuing his work in the areas of public information and legislative affairs, Mr. Martin will supervise the department's administrative coordination and directly assist the administrative director and the chief justice in their administrative roles.

Assistant Director/Finance, Mr. Bob Tillman. Mr. Tillman, a native of Mobile, studied at the University of South Alabama and obtained his undergraduate and graduate degrees from Auburn University. In February, 1977, he joined the department and has served as its fiscal officer for the past five months. He and his wife, Pam, have one child. Because of the severe impact of court finances on the overall judicial system, this area has always been of foremost importance and has grown more rapidly than any other area of the department. Organizationally, it has, for some time, been clearly delineated into budget, expense accounting, purchasing and property and field audit divisions.

Aside from Mr. Tillman's title change, no organizational changes have been made in the fiscal area. It is felt that the current structure of this function well meets the department's duties and responsibilities in the financial area.

Assistant Director/Legal, Mr. Ned Mitchell. Mr. Mitchell joined the department as its legal officer in August, 1974. He will continue in this capacity under his new title. He grew up in Birmingham, is a graduate of the University of Alabama and the Cumberland School of Law, Samford University. Mr. Mitchell has had valuable experience in dealing with Act No. 1205 and the Alabama Rules of Court since the inception of both. His abilities will allow the department to have continued capability in dealing professionally with the myriad of legal points which continue to arise and are of critical importance to the entire judicial system.

Assistant Director/Trial Court Management, Mr. William Campbell. Mr. Campbell joined the department in February, 1976 as personnel officer. He is a Florida native and a graduate of the University of Florida and Old Dominion University, Norfolk, Virginia. He served as an officer in the Marine Corps for three years. He is married and he and his wife, Gloria, have one child. The major re-organization of the department is effected under the Trial Court Management area which Mr. Campbell will head. This area will be composed of the Court Planning, Personnel, Management Information Systems, Records Management, Clerks and Registers Coordination and Municipal Court divisions. These divisions have been grouped together because of their primary concern with the management of the court system at the trial court level. It was felt that this grouping will give the department the structure it needs to thoroughly coordinate, develop and implement policy which affects the management of the trial courts of the state. For the first time, key personnel who are experienced and knowledgeable in these various areas relating to trial court management will be brought under one organizational umbrella so that a concerted and coordinated response can be planned and uniformly implemented.

For some time the Administrative Office of Courts and the department have operated without a formal organizational chart. Under this re-organization such a chart has been developed and is printed in this newsletter. According to Administrative Director Tapley "the organization of the department will continue to change as the need arises. However," he said, "it is hoped that the new organizational chart will provide some sense of permanence and stability to a department which has been continually hampered by one crises after another. I hope that we can begin to function as we should as the support arm of the state's courts."

NO EXPENDITURE WILL BE PAID  
WITHOUT PRIOR APPROVAL

In order to adequately control the department's budgetary line items, it is necessary that we plan in advance for all expenditures. Therefore, effective immediately, no expenditure made or committed to by any individual within the Unified Judicial System without prior approval of the Administrative Director of Courts or the Fiscal Division will be paid. Travel and per diem on official business are preauthorized.

BUDGET PROBLEMS  
CAUSE CUTBACKS  
IN STATE JUDICIAL  
EDUCATION, TRAINING

You have recently been informed by memorandum from Chief Justice Torbert about the current status of funding the operation of the Trial Courts for FY 77-78. Specifically, he noted the budgetary cuts which were necessary and which eliminated all state funds for training and education during the next year.

Because of this budget cut in state funds, it became necessary to withdraw approval for the reimbursement of expenses to out-of-state judicial education programs beginning October 4, 1977. This action does not prohibit individual attendance at these out-of-state programs, but would require those who attend to be personally responsible for all cost incurred.

Our attempts to utilize federal funds to continue reimbursement of expenses for attendance at in-state educational programs have been successful, and the Department of Court Management will be able to provide support for training and education activities on a limited basis. The department has requested approval for the transfer of federal monies for training and education from out-of-state education to in-state education. The department expects this approval to be granted and has scheduled meetings as outlined on the following calendar of events. However, as of this date, the department has not received official approval of this request. The department will have sufficient funds to reimburse travel expenses and per diem only for attendance at DCM sponsored and approved educational programs.

Enclosed for your information is a tentative schedule of in-state educational programs cooperatively developed by The Alabama Bar Institute of Continuing Legal Education, the education committees of the Judicial Associations and the Department of Court Management for FY 77-78. Programs approved by DCM for reimbursement of expenses are identified.

Please be assured that every effort will be made to secure additional state and federal funds which will allow DCM to resume reimbursement of expenses for attendance at both out-of-state and in-state training and education programs for all judicial and court-supportive personnel. Until additional supplemental funds are made available, the department will provide reimbursement for travel expense and per diem for individuals as noted on the following schedule.

## SCHEDULE OF MEETINGS FOR FY 77-78

<u>MEETING</u>	<u>DATE</u>	<u>LOCATION</u>	<u>SPONSOR</u>	<u>REIMBURSEMENT</u>
	<u>1977</u>			
Criminal Code Seminar	Oct. 26-27	Hyatt House, Birmingham	CLE	No
Juvenile Court Judges Bench Manual Committee	Oct. 27-28	Hilton Inn and Samford University, Birmingham	DCM	Yes
Judicial College Advisory Committee Meeting	Oct. 28	Hilton Inn, Birmingham	DCM	Yes
Clerks and Registers Bench Manual Committee	Nov. 3	Quality Inn/South Birmingham	DCM	Yes
Presiding Circuit Judges Seminar	Nov. 10-11	Holiday Inn - Civic Center, Birmingham	DCM	Yes
Court Reporters Fall Seminar	Nov. 11-12	Gadsden Junior College Gadsden	ASRA	No
Clerks and Registers Bench Manual Committee	Dec. 7	Quality Inn/South Birmingham	DCM	Yes
Clerks and Registers Winter Seminar	Dec. 8-9	Quality Inn/South Birmingham	DCM	Yes*
	<u>1978</u>			
Ala. State Bar Assn. Mid-Winter Meeting	Jan. 13-14	Governor's House Motor Inn, Montgomery	ABA	No
Criminal Code Seminar	Jan. 19-20	Sheraton Motor Inn, Mobile	CLE	No
Circuit and District Judges Seminar	Feb. 15-17	Holiday Inn - Civic Center, Birmingham	DCM	Yes*
Criminal Code Seminar	Feb. 23-24	Hilton Inn Huntsville	CLE	No
Criminal Code Seminar	May 4-5	Governor's House Motor Inn, Montgomery	CLE	No
Ala. State Bar Assn. Annual Meeting	Jul. 20-22	Sheraton Motor Inn Mobile	ABA	No

\* Reimbursement for attendance at these programs is subject to DCM's receipt of final approval from federal funding sources.

HOLIDAY POLICY  
FOR JUDICIAL SYSTEM

There has been a great deal of discussion regarding the holiday schedule for the

Unified Judicial System employees and officials. This discussion has centered around the fact that court supportive employees are subject to the provisions of the State Merit System which provide for 13 official state holidays. The courts must from necessity from time to time continue court activities after normal working hours, on weekends and on holidays. In view of the need for some flexibility in establishing working hours and holidays, the Supreme Court has provided, in Rule 77(c), Alabama Rules of Civil Procedure, and in 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 Saturdays and particular legal holidays. Though the above mentioned rules provide for local circuit and district court discretion, the department encourages adherence to the official state holiday schedule. It is administratively desirable that the Unified Judicial System be open and closed on the same days during the year. Further, when court supportive employees work overtime, on weekends or holidays, they receive compensatory time off. When you consider vacation time along with compensatory time off for court supportive employees, the clerk's and register's offices are working considerable amounts of time at less than full staffing.

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\* Except as otherwise provided by local rule, the  
\* following holidays are the official holidays for all court  
\* officials and court supportive employees: (for fiscal year  
\* 1978)

* Columbus Day	October 10	*
* Veterans' Day	November 11	*
* Thanksgiving	November 24	*
* Christmas	December 26	*
* New Year's Day	January 2	*
* Robert E. Lee's Birthday	January 16	*
* Mardi Gras Day	February 7	*
* George Washington's Birthday	February 20	*
* Thomas Jefferson's Birthday	April 13	*
* Confederate Memorial Day	April 24	*
* Jefferson Davis' Birthday	June 5	*
* Independence Day	July 4	*
* Labor Day	September 4	*

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WORKING HOURS  
FOR JUDICIAL SYSTEM  
PERSONNEL; POLICY  
STATEMENT

full-time court supportive employees work a 40 hour week and that all court supportive employees be provided not less than a 30 minute nor not more than an hour lunch break each day. Again, local discretion may be used in determining when the offices open and close and whether or not the courts will be open on weekends or holidays. It is, therefore, requested that each judge, clerk and register insure that their full-time employees work the required 40 hours per week.

Another personnel matter which needs further clarification concerns the working hours for all court supportive employees.

It is imperative that all

ONLY SMALL CLAIMS  
FORMS SHOULD BE  
PROVIDED AT NO COST

Circuit Courts. Because of the nature of small claims proceedings, forms for small claims cases should be provided to all parties, whether they represent themselves or are represented by legal counsel. Other court forms may be furnished attorneys where the attorneys assist the clerk or the judge in preparing the same for the clerk or the judge.

Current budgetary restrictions prevent the wholesale furnishing of court forms to litigants in all District and

REQUESTS FOR REVIEW  
OF COURT RULES REFERRED  
TO STANDING COMMITTEE

reconsideration of Rules 5, 43, and 45 of the Rules of Judicial Administration. Rule 31 provides for the creation of a standing committee to periodically review these rules, and when necessary, to recommend to the Supreme Court desirable amendments. These comments and suggestions will be referred to the standing committee for review and recommendation to the Supreme Court for action.

Recently, numerous letters have been received from clerks, registers and others requesting review and

WHAT IS A COURT  
RECORD? OPINION  
IS PENDING

copying records). The department has requested an opinion from Supreme Court Clerk J. O. Sentell on this point. When that opinion is released, the department will forward a copy to clerks and registers.

A question has arisen regarding the definition of a court record for purposes of Rule 45 (charge for





Les Lewis ..... Budget Officer  
 David Ashworth ..... Purchasing Manager  
 Peggy Casey ..... Expense Accounting

Supplies and Forms ..... Tolly Eriksson,  
 Rosemary Scheiben  
 Repair of Equipment ..... Rosemary Scheiben,  
 Tolly Eriksson  
 Postage ..... Tyrone Melton,  
 Alicia Taylor  
 Payroll - Only for questions concerning  
 amount of checks and deductions. Questions  
 about insurance, fringe benefits, retirement,  
 should go to personnel ..... Pat Martin,  
 Gayle Griffin  
 Jury Commission Expense Claims ..... Joyce Harris  
 Part Time Employee Expense Claims ..... Joyce Harris  
 Travel Expense Claims ..... Lynn Ward  
 Other Expense Claims ..... Peggy Casey  
 Juror Payment Plan ..... Mike Carroll  
 Property Management ..... Tom Young

#### LEGAL

Ned Mitchell ..... Assistant Director/Legal  
 Janet Stambaugh ..... Secretary

#### TRIAL COURT MANAGEMENT

William Campbell ..... Asst. Director/Trial Court Mgmt.  
 Linda Price ..... Secretary

Processing of all personnel action  
 forms (appointments, changes,  
 separations, etc.). Administration  
 of employee performance evaluation,  
 salary advancement programs. Leave  
 administration. Certification of  
 lists of eligibles. Administration  
 of affirmative action and EEO  
 program. Grievances and appeals. .... Anne Roquemore

Classification and pay. Preparation  
 and monitoring of personnel budget.  
 Position control. Work measurement  
 program. Personnel policy and  
 procedures. .... Woody Parramore

Recruitment and examinations.  
 Preparation and distribution of job  
 announcements. Review and rating of  
 all applications. Maintenance of  
 master application file and register  
 of eligibles. .... Ginny Anderson

Special and roving court reporter assignments ..... Linda Price

#### Records Management Division

Systems studies. Paperwork standards and techniques. Records inventory and disposition. Microfilm operations ..... Richard T. Martin

Forms management ..... Tom Dibble

Policies and procedures ..... Myra Baker

#### Municipal Court Division

Project director, 1978 OHTS Grant. Municipal court manual. Traffic problem identification project. Traffic judges education programs ..... Herb Huie

Director of Court Referral Programs ..... Sam P. McClurkin

Manager of Uniform Traffic Ticket distribution and accountability ..... Robert T. Simpson

#### Management Information Division

Information systems officer. Computerized applications. Caseload reporting systems. Computerized management information systems ..... Jan H. Shultz

Programmer/analyst. Systems and programming specialist for small claims and caseload reporting systems. Reporting forms and procedures ..... Nancy Lott

Data control clerk. Data preparation and data entry for small claims and caseload reporting (blue card) systems ..... Lee Emfinger

#### Courts Planning Division

Courts Planner. Preparation and planning for grants to state courts. Long range state courts planning ..... Peg Walker

Assistant Courts Planner ..... Robert Merrill

#### Clerks and Registers Coordination Division

Clerks and Registers Coordinator ..... Hope Wheat  
Telephone: 375-6901  
Address: P.O. Box 524  
Reform, AL 35481



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CHARLES Y. CAMERON  
WILL MAINTAIN OFFICE  
AT DEPARTMENT LOCATION

Mr. Charles Y. Cameron, special assistant to the chief justice, will maintain his office at the AOC/DCM location at 817 South

Court Street, Montgomery. He will continue to be assisted by Mrs. Nancy (Brock) Morochnick. Mrs. Morochnick will continue to handle requests involving recusal of a judge or assignment of a special judge to serve.

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RICK MARTIN RECEIVES  
AWARD FOR LEADERSHIP  
IN RECORDS MANAGEMENT

Richard T. Martin, CRM, of the AOC/DCM staff is the recipient of the "Records Manager of the Year Award"

given at the 22nd annual conference of the Association of Records Managers and Administrators. Mr. Martin was one of the 50 people selected from across the nation as a leader in the records management profession. This is the second time he has received this honor in the past six years.

JOURNALISM SOCIETY  
NOMINATES ROBERT MARTIN  
FOR FIRST AMENDMENT AWARD

The Society of Professional Journalists/Sigma Delta Chi Montgomery Chapter has nominated Robert Martin of

the AOC/DCM staff for its "First Amendment Award." The nomination must be given final approval by the national organization. The nomination was made for Martin's work in the fair trial - free press area, specifically mentioning the move toward electronic and photographic coverage of courts in Alabama and seminars involving the bench, bar and media.

ATTORNEY GENERAL SAYS  
CORPORATIONS CANNOT FILE  
IN SMALL CLAIMS COURTS UNLESS  
REPRESENTED BY LICENSED ATTORNEY

In an opinion dated September 7, 1977, the Attorney General has determined that corporations cannot file suit in the small claims

division of the district court unless represented by a licensed attorney. This opinion is based upon Article I, Section 10, of the Constitution of Alabama, as amended, and the 1942 Supreme Court of Alabama Case of Ex parte Lamberth, 242 Ala. 165, So. 2d 622 (1942). In that case, the Supreme Court determined that Section 10 of the Constitution did not authorize a lay-agent to appear and plead for corporations. Copies of this opinion may be obtained by making a request to the Department of Court Management.

PLANS FOR STATE  
JUDICIAL COLLEGE UNDERWAY

Chief Justice Torbert says a major objective of the state judicial system during the next year is the establishment of a Judicial College for Alabama. The chief justice has placed an emphasis on in-state training of judicial and judicial-related personnel. The system has received a six-month grant to develop plans for such a college and the chief justice has appointed an advisory committee on the Alabama College of the Judiciary. The committee's chairman is District Judge William H. Lumpkin of Centre and the vice chairman is Dr. George P. Taylor of the University of Alabama Law School. All segments of the state court system, including district attorneys, are represented on the committee. Charles H. Pinkham is director of the Judicial College Planning Group and Rick Lovell is program assistant.

ELECTRONIC, PHOTOGRAPHIC  
COVERAGE OF COURTS EXPANDING:  
SUPREME COURT APPROVES PLANS  
FOR COURT OF CIVIL APPEALS,  
TALLAPOOSA, RANDOLPH COUNTIES

The State Supreme Court has just recently approved two more courtroom plans for electronic and photographic coverage of trials in Alabama. The two new areas of approval include the courtroom of the Court of Civil Appeals on the South Boulevard in Montgomery and the courtrooms in Tallapoosa and Randolph Counties of the 5th Circuit. In June of 1976 the court approved a plan for the 13th Circuit (Mobile) and in October of that same year adopted a plan for its own courtroom at the State Judicial Building. Earlier this year the court approved a plan for the 15th Circuit (Montgomery). Other plans which have been approved include: The courtrooms of the 26th Circuit (Russell) and the courtrooms in Coffee County of the 12th Circuit. In addition, state judges have received a suggested plan which was developed by Robert Martin of the administrative staff. Since the Alabama Supreme Court opened the door to this type of court coverage in December, 1975, three other states have followed suit in allowing cameras in the courtroom. Those states are Washington, Florida, and Georgia. In addition, Colorado has permitted this type coverage since 1956. Another state circuit will likely be added to those allowing coverage in the state soon. Circuit Judge G. H. "Spud" Wright of the 37th Circuit (Lee) has forwarded a plan to the Supreme Court for approval. Since Alabama officially made coverage permissible, requests for information have poured in from other states. Mobile Circuit Judge Robert Hodnette, who presided over the first televised trial, has been in demand throughout the nation as a speaker on the subject of cameras in the courtroom.

NEWS CLIPS  
FROM THE STATE PRESS

## State courts set excellent example

Alabama's court system, despite financial problems in recent months, continues to be a model for the nation in many ways.

The state's three appellate courts are currently entering a new term with totally current dockets. This marks the fifth consecutive year that the courts have started new terms with no backlogs, despite increasing case loads.

All of our courts need to operate in this manner. Too often, weeks, months and years slip by before cases are handled. That is not the proper way for our criminal justice center to operate and too often the delays create real problems in offering fair trials and in seeing that justice is served.

The good news about the current status of the courts comes from Alabama Chief Justice C.C. Torbert of Opelika who is just starting his work in the state's highest judicial office.

This will be the eighth straight year the state Court of Civil Appeals has been totally current, the sixth straight for the Supreme Court and

the fifth consecutive years for the State Court of Criminal Appeals.

During the Supreme Court's 1976-77 term, the justices handled and disposed of 618 cases and petitions compared to 442 during the previous year.

Presiding Judge John C. Tyson, of the Court of Criminal Appeals and Presiding Judge Charles Wright of the Court of Civil Appeals submitted written reports to the chief justice on the caseload condition of their respective courts.

The backlog facing courts at all levels has grown in recent years in almost every state. Court officials in Alabama started taking a close look at the situation in recent years and determined that such a situation did not have to exist.

Chief Justice Torbert took over a post with an impressive record to maintain. Thus far, he has maintained the pace and he has set in motion further charges which will see Alabama's court system remain in the forefront of judicial reform in this nation.—PAUL DAVIS

AUBURN BULLETIN  
Auburn, Alabama 36830

## Judge puts brakes on Mobile jury

MOBILE (AP)—A grand jury incensed by what it thinks is wrongdoing should keep its suspicions to itself if it doesn't have evidence to warrant formal charges, a circuit judge has ruled.

Circuit Judge Joseph Hocklander issued the opinion Friday, saying a Mobile County grand jury exceeded its powers when it scolded several persons for alleged wrongdoing but issued no indictments.

Lee Hale, a member of Dist. Atty. Charles Graddick's office, argued on the grand jury's behalf that such a panel serves as "the conscience of the community." It should speak out, he said, because some public acts fall short of being criminal but aren't in the public interest.

BIRMINGHAM NEWS  
Birmingham, Alabama 35202

## Appellate cases remain current

MONTGOMERY, Ala. (AP) — For the fifth year in a row, all three of Alabama's appellate courts have gone into a new term with no cases left over from their previous dockets.

Chief Justice C. C. "Bo" Torbert says the dockets for the Supreme Court, Court of Criminal Appeals and Court of Civil Appeals are current despite a heavy increase in caseloads. The Supreme Court, he said, handled 40 per cent more cases in the preceding term than it did the year before.

This is the eighth straight year with a current docket for the Court of Civil Appeals, the sixth for the Supreme Court and the fifth for the Court of Criminal Appeals.

MOBILE PRESS  
Mobile, Alabama 36602

## Judges' handbook readied

A revised handbook to aid circuit court judges in trials and procedures is being prepared by the newly appointed assistant director of the Alabama Law Institute at the University of Alabama and a state Supreme Court justice.

Eric G. Bruggink, a former Dothan attorney who joined the institute's staff earlier this month, is assisting Justice James N. Bloodworth in organizing and updating notes and information Bloodworth collected while a judge Decatur.

Plans are for the handbook to be distributed to the Supreme Court and subsequently to circuit court judges.

TUSCALOOSA NEWS  
Tuscaloosa, Alabama 35401

MORE NEWS CLIPS  
FROM THE STATE PRESS

# Baxley's Opinion

## Justice for all.

One of the more telling criticisms of the American system of justice is that white collar criminals generally get off much easier than run-of-the-mill crooks. It's a sad tradition, a perverse way of rewarding intelligence, because if you steal millions the returns are enormous and the risks minimal. And if you get caught money talks in the courtroom — usually in the precise voice of a good lawyer.

So it's refreshing to see Alabama Circuit Judge Robert Hodnette of Mobile hand out a two-and-half year prison sentence to Leonard Manson who defrauded the public out of

thousands of dollars. Asked to temper justice with mercy, the Judge tempered it with a few pertinent comments instead. He said: "Every day I send to the penitentiary for two or three or four years some little black kid or some little white kid who's stolen a CB radio or something like that. Then, along comes an educated man and he nails the public funds for \$400,000 or \$500,000."

Not only was justice done, but it was seen to be done. Judge Hodnette's actions and attitudes could go far to maintaining some semblance of public trust in our courts.

THE MONTGOMERY ADVERTISER  
Montgomery, Alabama 36104

## Bill would curb judges' raises

ATHENS—A North Alabama state senator said Wednesday he is drafting legislation that will put a lid on automatic cost of living raises and retirement benefits for Alabama judges.

Sen. Albert McDonald, who represents Limestone and Madison counties, said his bill will amend the state constitution to insure judges are not counted as state employees.

McDonald said the state comptroller's interpretation of the Judicial Article labels judges as state employees. That interpretation, he said, makes state judges eligible for a 7.5 per cent pay hike effective Saturday, as well as additional retirement benefits.

"We provided amply for salaries for these people when the Judicial Article went into effect in January," McDonald said, "and this attempt to give the judges more raises circumvents the intent of the legislature."

BIRMINGHAM POST HERALD  
Birmingham, Alabama 35202

Despite the lack of a clear statement in Alabama's basic law, Atty. Gen. Bill Baxley has the weight of constitutional intent to ensure justice behind his opinion that the state's unified court system should not be prohibited from spending funds appropriated for its use.

Doubtless many in the Legislature are relieved that Baxley has found sufficient grounds for such an opinion, for certainly the Legislature had no intention of penalizing the people of Alabama, or the court system, in limiting the court system to spending only that amount of money which had been collected in fines and forfeitures.

The Supreme Court itself has many times in the past ruled that lower court divisions could not be compelled to fund themselves from fees and fines collected by the courts.

It requires no great familiarity with the law to realize that under such a system of funding, justice would become subordinated to obtaining money for the system providing the justice. Under such conditions, it would be reasonable to expect that fines would tend to be aimed at providing the maximum revenue, rather than toward what might be fair and just in the situation.

Supreme Court Chief Justice C.C. Torbert has expressed his satisfaction with Baxley's opinion, saying that he believes the courts can squeeze by with the \$21.2 million the Legislature has already appropriated for the fiscal year which begins Oct. 1. But he hopes the Legislature will approve a \$2.8 million supplemental appropriation when it meets in regular session in January. Without the additional funds, worn out equipment cannot be replaced, needed new equipment cannot be purchased and educational programs would have to be severely limited or eliminated.

Alabamians should be relieved that "justice for profit" will not become an impediment to real justice in the state. It should also be assuring to note that the chief justice has pledged his best efforts and the best efforts of the system to employ all economies that are reasonable and possible and still give citizens of Alabama a high quality court system.

BIRMINGHAM NEWS  
Birmingham, Alabama 35202

ATTORNEY GENERAL GIVES  
OPINION ON CHILD SUPPORT  
COLLECTIONS: GLENN MURPHY  
COMMENTS ON OPINION

The following is a synopsis of an opinion of interest to judges, clerks and registers regarding child support collections. Glenn Murphy has

reviewed the opinion and has stated that this no more than reiterates the current practice whereby clerks make the collection and distribution of monies pursuant to lawful court orders. In an opinion dated September 16, 1977, the Attorney General's office has determined that in court cases involving child support obligations, the court should order payments made through the office of the clerk of the court wherein such actions are brought and the clerk must receive monies for distribution to the proper parties. The primary thrust of this opinion is that whenever a court orders collection for child support, the clerk is the proper party to receive and distribute these monies. As Glenn Murphy, President of the Clerks Association, has pointed out, this opinion merely restates a practice which the clerks have consistently followed for years. As Mr. Murphy stated, clerks have always handled child support collections when based upon lawful court orders. The opinion does not address child support collections which are voluntarily made without a court order. Those collections may continue to be made directly to Pensions and Security. Copies of this opinion may be obtained by making a request to the Department of Court Management.

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# COURT NEWS

- 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

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