

ALABAMA COURT NEWS

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UJS Planning Committee Meets in Tuscaloosa

The UJS Planning Committee met in Tuscaloosa at the University of Alabama's Law Center on September 1-2, 1993. The committee is composed of representatives of the Supreme Court and Courts of Criminal and Civil Appeals as well as the association officers representing the circuit, district, and municipal judges, circuit clerks and registers and municipal court clerks. To assist the committee, subcommittees have been appointed to address issues and opportunities affecting the civil, criminal, traffic, juvenile, domestic relations and child support, and administrative and structural areas of the courts.

The UJS Planning Committee was initially appointed by Chief Justice Hornsby in November 1992, and is charged with developing long-range plans for the future improvement of the Unified Judicial System. "The organization that fails to plan is an organization that plans to fail," Hornsby told the committee. "The information derived from this plan will be critical in establishing future legislative priorities, developing administrative policies and budgeting resources needed to ensure the judicial system is operating efficiently and effectively," he continued.

Oliver Gilmore said the work begun in Tuscaloosa is the first step in developing the long-range plan. "The subcommittees will continue to meet throughout the fall and we anticipate a meeting of the entire committee in late November to consider the various recommendations," said Gilmore. He said the committee's goal is to have a draft report to present at the mid-winter conference.

Former Governor Albert Brewer, president of the Public Affairs Research Council of Alabama (PARCA), served as facilitator of the meeting.

Justice Adams Announces Retirement; Circuit Judge Ralph Cook Is Appointed

Associate Justice Oscar W. Adams, Jr. has announced he will retire October 31st. Justice Adams, appointed to the Supreme Court in 1980, was re-elected twice, in 1982 and 1988.

Since his retirement was announced, Adams has received widespread praise from throughout the state. "In his years on the state's highest court, Justice Adams proved himself more than a gladiator, but also a man of charm, good humor, courage and legal insight," wrote the *Anniston Star*.

In announcing his retirement, Adams said: "For some time now I have been trying to write a book on my experiences as a civil rights lawyer and what it is like to win two statewide elections as a black man in Alabama. I believe the best time to do this is now, while I enjoy excellent mental and physical health. Further, I also wish to spend more time with my family."

Adams was the first black person in the south to win a statewide election when he won the seat on the Supreme Court to which he had been appointed in 1982. He is a Birmingham native, a graduate of Parker High, Talladega College and he received his law degree from Howard University. He practiced law

in Birmingham from 1947 to 1980.

Shortly after Adams' announcement, Governor Jim Folsom appointed Bessemer Circuit Judge Ralph Cook as Adams' successor. Cook, 49, began working as an assistant district attorney in 1974 in Bessemer and taught at Miles College School of Law. Elected district judge in 1976, Cook handled juvenile, adult, paternity and non-support cases. In 1981, he was appointed as a Jefferson County Circuit Court judge, the first black circuit judge in Jefferson County. He won election to a six-year term in 1982 and in 1988.

Jefferson County Circuit Judge Dan Reynolds, senior judge for the Bessemer Division, was quoted as saying the governor "could look over the entire state and not find a better person for the job. He (Cook) has the full spectrum of experience in addition to being a great person," Reynolds said.

Chief Justice Sonny Hornsby praised Adams for his "outstanding service on the Supreme Court. Not a finer individual has served on this court," the Chief Justice said. He also lauded the appointment of Cook as an "excellent replacement for Justice Adams and an outstanding jurist in his own right." ■

"We were very fortunate to have former Governor Brewer serve. With his knowledge of the law, the operation of the public sector and the planning process, he was able to help the committee focus on its major responsibilities," said Gilmore.

Dr. Jim Williams, executive director of PARCA, also participated in the meeting and presented a comprehensive overview of projected economic and population changes in Alabama.

At the meeting, the Judicial Plan-

ning Committee adopted a mission statement for the Alabama Judicial System which was prepared by a drafting committee chaired by Associate Justice Hugh Maddox.

The mission of the Alabama Judicial System is to provide equal justice under law in all cases, controversies, and matters within its powers and jurisdiction and to be accountable for the provision of judicial services in a just, speedy, and efficient manner so that the integrity of the system and the public's respect for it will continue to be maintained. ■

Courts Legislative Coordinating Council Meets

In conjunction with the Planning Council meeting on September 2, the Courts Legislative Coordinating Council, comprised of representatives from the courts' component, met to consider proposed bills and issues for upcoming Special and Regular Sessions of the Legislature. Chaired by Chief Justice Sonny Hornsby, the council agreed on four bills to be included in the UJS package:

- (1) Provide specific authorization for the option to contract with attorneys to provide indigent defense services.
- (2) Designate threats and assaults against judges, court officials and employees as crimes in varying degrees.
- (3) Designate \$1 of current court costs for a judicial education fund.
- (4) Propose a constitutional amendment to place two district judges on the Judicial Inquiry Commission and two on the Court of the Judiciary.

The Coordinating Council provides the court system a means for reviewing legislation and providing positions on issues. ■

Chief Justice Sonny Hornsby presented Alabama Judicial College education certificates to the following judges at the 1993 Judges Conference in July:

100 Hour Certificates

- William M. Bowen, Jr., Alabama Court of Criminal Appeals
- Barry O. Branum, Butler County
- Jerry L. Clary, Fayette County
- Tommy R. Dobson, Talladega County
- Stephen W. Drinkard, 19th Judicial Circuit
- David Evans, Marshall County
- Oliver P. Head, 18th Judicial Circuit
- Jack W. Hughes, 7th Judicial Circuit
- Donald H. Patterson, 11th Judicial Circuit
- A. Philip Reich II, 36th Judicial Circuit
- James H. Reid, 28th Judicial Circuit
- Benjamin H. Richey, Franklin County
- John Steensland, Houston County

200 Hour Certificates

- James T. Gullage, 37th Judicial Circuit
- Hardie B. Kimbrough, 1st Judicial Circuit
- Carlton Mayhall, Jr., 25th Judicial Circuit
- Randel H. Mullican, Lawrence County
- Claud D. Neilson, 17th Judicial Circuit

300 Hour Certificates

- John Karrh, 6th Judicial Circuit, Retired
- Kendall Snow, Marengo County
- Joseph D. Phelps, 15th Judicial Circuit

Deaths . . .

District Court Judge Robert E. Lewis, who served on the bench more than 17 years, died August 4, 1993. In addition to serving as juvenile court judge, Lewis served on the boards of the State Department of Youth Services (DYS), Coosa Valley Youth Services, the Judges Advisory Committee of DYS and the Supreme Court Advisory Committee on Juvenile Court Rules and Procedure. Lewis was well known for his sincere dedication to children. He is credited with establishing an inter-agency council for youth, implementing juvenile probation service for Etowah County, obtaining a DYS youth home and a runaway house through Red Cross sponsorship in Etowah County, locating the Community Intensive Treatment for Youth program and working with schools in programs like truancy enforcement.

Martha Atkeison Neilson, wife of 17th Judicial Circuit Judge Claud Neilson, died August 5, 1993. Mrs. Neilson was long involved with people and programs in her community. Her love of books extended to her work with the Friends of the Library and as a member of a local book club. Mrs. Neilson was an active member of Trinity Episcopal Church and was involved in assisting families during

Dessert Storm. Neilson was known for "always being and helping other people." She and Judge Neilson were to have celebrated their 30th wedding anniversary in August.

Judge Joseph Masters (Jerry) Masters died September 13, 1993. Masters served as district judge, Henry County, for the past 16 years, and also assisted as circuit judge in both Henry and Etowah counties. A Dothan native, Masters graduated from the University of Alabama Military School in Mobile in 1964 and from William and Mary in Williamsburg, VA., in 1968. He served in the U.S. Army Military Intelligence from 1968 until 1970, including tour in Vietnam where he was awarded the Combat Infantryman's Badge and Bronze Star. Masters graduated from the University of Alabama Law School in 1973 and from the National College of the State Judiciary in 1977. Masters is survived by his wife, Melanie Thompson Masters, one daughter and a son.

Norman Smith, supernumerary circuit court clerk, died September 3, 1993. Smith served as court clerk for 15 years in Et. Co. County. Smith was a member of the First Baptist Church of Pell City. He is survived by his wife Ruby and two daughters. ■

Supreme Court Adopts Amendments to the Child Support Guidelines

On August 24, 1993, the Alabama Supreme Court adopted amendments of the child support guidelines, which are set out in Rule 32 of the Alabama Rules of Judicial Administration. The amendments are based on the recommendations made by the Advisory Committee on Child Support Guidelines and Enforcement in order to comply with federal regulations under the Title IV-D Child Support Enforcement Program. The new amendments will become effective as to all new actions filed, or proceedings instituted, on or after Monday, October 4, 1993.

Some of the more significant changes made by the new amendments include: the establishment of a 10 percent variance between exist-

ing child support and the amount determined under the guidelines as a basis for modification; the requirement that the best interests of the children be considered and the restructuring of the method of giving credit for health care costs; the adjustment of the method to determine child care costs; the inclusion of procedures for determining child support in split custody cases.

Copies of the report to the Supreme Court's Advisory Committee on Child Support Guidelines and Enforcement addressing the changes to the child support guidelines have been sent to all judges and clerks. If you should need additional copies, contact Peg Walker or Bob Moore at the Administrative Office of the Courts. ■

Court Calenders

As court calenders for 1993-94 are completed, the Administrative Office of Courts requests that you please forward a copy to [address].

The following excerpt is from Oliver Gilmore's speech given at the 1993 summer conferences and may be used by court officials for presentations.

"The year 1993 marks the 20th anniversary of the enactment of Act 1051 proposing a constitutional amendment which was ratified on December 18, 1973, and created the Unified Judicial System in the State of Alabama.

"In recognition of this occasion, I would like to pay tribute to our judicial system by sharing with you the following:

I am the Alabama Judicial Department. I was a proposed constitutional amendment passed by the Senate on August 21, 1973, and passed by the House of Representatives on September 13, 1973.

I am Amendment No. 328 as ratified and approved by the citizens of the state on December 18, 1973. I am the new Judicial Article of the Alabama Constitution implemented pursuant to Act 1205, as approved on October 10, 1975. I derive my power, authority, structure and limitations from Amendment 328 and Act 1205.

I am a supreme court, a court of criminal appeals, a court of civil appeals, a trial court of general jurisdiction (the circuit court), a trial court of limited jurisdiction (the district court), a probate court and such municipal courts as may be provided by law.

I am 1,900 state officials and employees, 360 of whom are elected by the citizens of the state. I am 9 Supreme Court Justices, 5 Criminal Appeals Judges, 3 Civil Appeals Judges, 127 circuit judges, 98 district court judges, 68 circuit clerks, 4 district clerks, 3 registers and hundreds of municipal judges and clerks. I am court specialists, judicial assistants, bailiffs, court reporters and administrators. I exist in all 67

counties in the state of Alabama in 75 court sites.

I am a Judicial Inquiry Commission, a Court of the Judiciary, a Judicial Compensation Commission, a Judicial Study Commission and an Administrative Office of Courts.

I promulgate Rules of Court pursuant to authority granted to the Supreme Court.

During the most recent 12-month period, approximately 1.3 million cases were filed in my appellate, trial and municipal courts.

I summoned 190,000 jurors to decide guilt or innocence, to settle disputes, to determine liability and to grant appropriate relief.

I collected \$290 million in court costs, fines, restitution and child support.

I cost the taxpayers of the state \$94 million, which represents approximately 10 percent of the State General Fund Budget and less than 2 percent of the total state budget.

I have suffered setbacks due to problems created by a lack of funding and an ever increasing caseload.

I am the administrator of the indigent defense system providing counsel for individuals otherwise unable to do so.

I am advisory and standing committees establishing policies, procedures and guidelines.

I am educational conferences and meetings for instruction, dissemination of information and planning for the future.

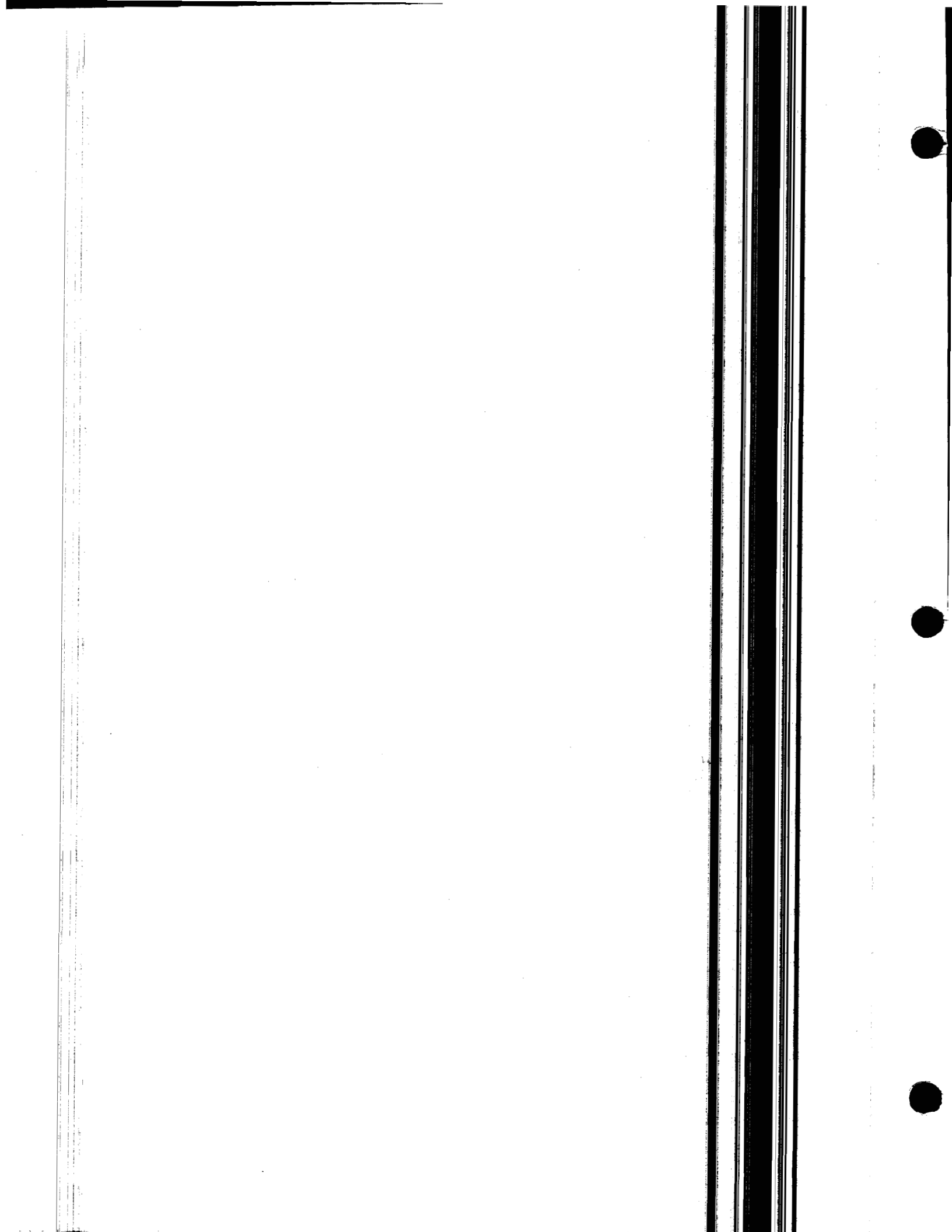
I have lead the way in improvements in the state's jury system, in juvenile courts, in implementing revisions in the criminal and probate codes, and in revision of major portions of the rules of court. I have lead the nation in implementing reforms in case management, jury management, automation of court procedures and in records management.

I have made progress and delivered quality judicial services to the citizens through these 20 years because of the outstanding officials and employees who serve me—individuals who are knowledgeable, experienced and dedicated to the performance of their duties.

I am an oath taken to support the Constitutions of the United States and the the State of Alabama and to faithfully and honestly discharge the duties of my office to the best of my ability, so help me God.

I must prevail—

I REPRESENT JUSTICE.



Governor Folsom Makes Four Judicial Appointments

Governor Jim Folsom, Jr. made four judicial appointments on October 1, 1993.

Annetta H. Verin was appointed circuit judge, Bessemer. Formerly, an assistant district attorney in the Bessemer division of the Jefferson County DA's office, she succeeds Ralph Cook who was appointed to the Supreme Court. Judge Verin is a graduate of Howard University School of Law. Her husband, Eugene Verin, is a Bessemer Municipal Court judge.

John Calhoun was appointed Birmingham circuit judge. A graduate of Cumberland School of Law, he will occupy one of three seats on the domestic relations bench and will succeed retiring Judge Joe Barnard.

Abbeville attorney **Charles Woodham** was appointed Henry County district judge. Judge Woodham will fill the position of the late Judge Jerry Masters

William Russell, Jr. of Gadsden was appointed Etowah County district judge. A graduate of Cumberland School of Law in 1974, he will succeed the late Judge Robert Lewis. ■

Birmingham Fast-Track Hearing System Boasts Speedy Justice

Education is paying big dividends for Birmingham's Presiding Municipal Judge Tennant Smallwood who has implemented a fast-track system in the Municipal court designed to reduce the time required for defendants to appear in court. Under the new system, defendants appear in court within 24 hours of the time of arrest, instead of several days as under the previous system.

Smallwood learned of the concept at a judges' seminar he attended in Washington, D.C. His interest in developing a new system for Birmingham was influenced by efforts of Chief Justice Hornsby to reduce delay in the courts and improve case management. Maureen Solomon, who assisted in developing a plan to reduce delay in Alabama's courts and a frequent instructor for the Alabama Judicial College, taught the course.

The fast-track system has had a big impact on Birmingham's court and police department by reducing the amount of time an individual remains in jail prior to appearing in court. ■

Court Officials

Justice Janie Shores was recently selected as "one of the top women business leaders," according to a newspaper survey. *The Birmingham Post-Herald* survey was sent to the top 100 businesses and organizations in Birmingham and yielded 41 names of the "Smartest and Most Successful Women in Business." Shores was one of only two women named in the survey who were not residents of Birmingham.

Justice Gorman Houston delivered the keynote address to first year students at the University of Alabama School of Law on August 12, 1993. Houston thanked the students for wanting to be lawyers and reminded them that they would be professional descendants of the 25 lawyers who were successful, rich, intelligent -- the respected gentlemen of their day who risked it all by signing the Declaration of Independence, because they thought a monarch had laid too "rude a hand" on the "rights of man."

Judge Sharon Yates, Court of Civil Appeals, performed her first marriage ceremony September 23, 1993, for AOC's own Mary Davis, graphics editor of the *Alabama Court News*. Mary married Layton King from New Orleans, her high school sweetheart.

Jefferson County District Judge O. L. "Pete" Johnson recently attended a reunion of the 1963 Boys Nation class in Washington, D.C. Boys Nation classmates Johnson and now-President Bill Clinton joined about 60 of the 100 former participants who met President John F. Kennedy July 24, 1963. Besides producing a president and a county judge, the Boys Nation class of 1963 has 22 lawyers, 13 doctors, a member of Congress (Jim Ramstad, R-Minn.), and about a dozen company presidents, 10 educators, a farmer and others. Johnson, who was 16 at the 1963 meeting, said he got the idea to organize the reunion last year when he realized the 30th anniversary was approaching.

Conecuh County District Judge **Sue Bell Cobb** traveled to Kentucky University to receive one of eight awards given in 1993 by the Juvenile Justice Awards Committee of the National Juvenile Detention Association. Juvenile Justice Awards are presented to individuals, programs, organizations and agencies that have made significant contributions in the improvement of juvenile justice and their impact system-wide.

After serving as circuit judge in Cullman County for 23 years, **Judge Jack Riley** has retired effective July 29, 1993. Riley was appointed circuit judge in 1970 by then-Gov. Albert Brewer. Since then, he has been elected to four six-year terms. Riley said he looks forward to devoting more time to his family -- his wife Hilda, their son, two daughters and six grandchildren.

Jefferson County Circuit Judge **Joe Barnard** announced his retirement effective October 1, 1993. Judge Barnard began as a Birmingham City Court judge in 1970 and ascended to the circuit bench in 1977. He said he expects to volunteer to help with crowded court dockets after 1994 -- next year is already dedicated to vacationing from Maine to California.

Two judicial employees are seeking elected positions with the Alabama State Employees Association:

Ann Owens, executive assistant to Supreme Court Justice Henry Steagall, is seeking a full term as treasurer of ASEA. She has served in that position since August 1992. Ann has been a state employee for 26 years.

Alice Cornelson, a judicial assistant in Mobile, is seeking the position of ASEA secretary. She serves on the ASEA board, on the SEA-PAC steering committee and is a chapter president.

Election ballots will be mailed to ASEA members the first week in November and must be returned by the end of November.

Juvenile Justice Council Gets Down to Business

The annual meeting of the Alabama Juvenile Justice Coordinating Council was held August 20, 1993, in Montgomery. They discussed implementation of the Multiple Needs Child Act and established priority recommendations to be submitted to the Governor and the Legislature during the 1994 Regular Session. Representatives from the Departments of Human Resources, Mental Health, Education, Youth Services, the Chief Juvenile Probation Officers Association, the Alabama Council of Juvenile and Family Court Judges and members representing the public were present along with a host of guests and observers.

Chief Justice Hornsby, serving as chair, reiterated the purposes of the council and outlined the achievements

of 1993, particularly, the enactment of the Multiple Needs Childs Bill, funding for juvenile regional detention and additional funding for implementing the provisions of the R.C. and A.W. Consent Decrees. Based on recommendations from the counties' juvenile justice coordinating councils, the council considered the implementation of the Multiple Needs Child Act, ways to provide support for local programs for prevention and early intervention, and the seriousness of crimes committed by juveniles in order to develop its recommendations for 1993-94. The council members agreed that funding for implementing the Multiple Needs Child Act would be its recommendation to the Governor and Legislature. ■

Health Insurance Benefits Plan Changes for 1994

The State Employees' Insurance Board met July 29, 1993, and approved the following premium changes effective October 1, 1993, and benefit changes effective January 1, 1994, (due to increases in the number of visits, services, and prescription use by members, and rising costs of prescription drugs, medical procedures, etc.):

- 1) An increase in the state's share of employee premiums from \$211 to \$243 per month
- 2) An increase in family coverage premiums from \$152 to \$164 per month
- 3) PMD office visit co-payment will increase from \$15 to \$20.
- 4) A \$75 co-payment on the following outpatient diagnostic procedures has been established: angiography/arteriography; cardiac cath/arteriography; cat scan; colonoscopy; ERCP; MRI; MUGA-Gates cardiac scan; PET/SPECT; thallium scan; UGI endoscopy.
- 5) An increase on name brand prescription co-payment from \$10 to \$15, plus a \$20 co-payment for name brand prescriptions when generic substitutes are available. A co-payment of \$5 for generic drugs will remain the same.

6) Implementation of a drug starter program applying to certain therapeutic classes of drugs that will be limited to an initial 10-day supply. If there are no adverse side effects, the pharmacist will issue the remainder of the 30-day supply at no additional cost. Also, maintenance drugs will require prior approval before issuing the 60-day supply. Prior approval requires the patient to take the drug without any adverse side effects before dispensing the drug for a longer period.

7) Development of a dental network where dentists in the network agree to accept the fee schedule amount as payment in full. Dentists who are not in the network may continue to bill employees the difference between the charges and the schedule amount.

Open enrollment will be during the month of November for coverage effective January 1, 1994. Employees electing family coverage during the open enrollment period will have no waiting period for pre-existing conditions. A later memorandum will address open enrollment in more detail.

Arkansas Delegation Visits Alabama's CRC Program

An Arkansas delegation of court and substance abuse officials, headed by Arkansas Chief Justice Jack Holt, Jr. visited Alabama on July 13 and 14 to study Alabama's Court Referral Officers Program. The delegation met with Angelo Tripp, Director of AOC's Municipal Court Division, Marty Ramsay, State Coordinator of Court Referral Program, and Kent Hunt, Acting Director of the State Department of Mental Health Substance Abuse Services Division.

The delegation also observed a local program in operation in Dothan, Al., SpectraCare, operated by the Wiregrass Mental Health Board. The program has been in operation since 1987 serving 27 courts in four counties: Houston, Henry, Clay and Barbour. Chief Justice Holt was "totally impressed with the program, including the processing and treatment as well as all the mechanics of the operation."

Alabama's CRC program includes over 61 certified CRCs providing evaluation, referral and monitoring services to more than 1000 defendants a year.

NO DIRECT DEPOSIT OR BONUS PAY
All personnel eligible for longevity and/or cost-of-living bonus payments will receive payroll warrants as indicated below:
Longevity pay December 31, 1993
Cost-of-living bonus December 23, 1993
Longevity and cost-of-living pay checks will not be direct deposited into employee bank account. All eligible personnel will receive an actual payroll check for these warrants being processed on a supplemental payroll rather than the regular payroll.

1994-95 Judicial Fellows Program Accepts Applications

The Judicial Fellows Commission invites applications for the 1994-95 Judicial Fellows Program. The program seeks outstanding individuals from a variety of disciplinary backgrounds who are interested in the administration of justice and who show promise of making a contribution to the judiciary.

Four Fellows will be chosen to spend a calendar year, beginning late August or early September 1994, in Washington, D.C., at the Supreme Court of the United States, the Federal Judicial Center, the Administrative Office of the United States Courts or the United States Sentencing Commission. Candidates must be familiar with the fed-

eral judicial system, have at least one postgraduate degree and two or more years of successful professional experience. Stipends are based on salaries for comparable government work and on individual salary histories, but will not exceed the GS 15, step 3 level, presently \$71,049.

Information about the Judicial Fellows Program and application procedure is available upon request from Vanessa M. Yarnall, Administrative Director, Judicial Fellows Program, Supreme Court of the United States, Room 5, Washington, D.C. 20543, or phone (202)479-3415. Application deadline is November 19, 1993.



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