

COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

Volume 4/Number 9

September, 1980

CHIEF JUSTICE TO LEAD FORUMS IN AUTAUGA, HOUSTON, MADISON

Chief Justice C.C. "Bo" Torbert Jr. will travel to Autauga, Houston and Madison Counties during the next three months to lead a total of eight educational forums in which approximately 5,000 senior high school students will participate.



TORBERT

The chief justice, along with Allen L. Tapley, administrative director of courts, local judges and other court officials, will lead discussions on the law and the judicial branch of government. The chief justice will

conduct a question and answer session with the students following the panel discussion.

Prior to the forums, social studies and government teachers will teach a unit on the Alabama court system using the court and law-related materials

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NATIONAL TASK FORCE MEETS TO DEVELOP MINIMUM JURY STANDARDS

The first meeting of the National Center for State Courts Jury Standards Task Force was held Sept 14-15 with Administrative Director of Courts Allen L. Tapley and Hunter Slaton, assistant director of trial court operations, attending.

Tapley is one of seven members
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MEMBERS OF NATIONAL CENTER FOR STATE COURTS JURY STANDARDS TASK FORCE...at recent meeting (from left) Judge James Noe, Seattle, Wash.; Linda Caviness, project director; Court Administrator Walter Kane, Rhode Island; and Alabama Administrative Director of Courts Allen L. Tapley.

CHIEF JUSTICE TO LEAD FORUMS IN AUTAUGA, HOUSTON, MADISON

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available from the Administrative Office of Courts. The forums will serve as a highlight to the students' learning experience.

In the spring of this year, Chief Justice Torbert conducted two similar educational forums in Walker and Butler Counties. These initial forums were so highly successful that they resulted in requests from judges and educators statewide to hold similar programs in their local communities. The chief justice is making every effort to meet as many of these requests as his schedule will permit.

On October 1 and 2, the chief justice will address some 2,200 graduating seniors in Madison County. Because of the large number of senior students in Madison County, three forums have been scheduled each day. The chief justice will address the Madison county school system seniors on October 1, and the Huntsville city school system seniors on October 2. The panelists for the Huntsville/Madison County forums will include Chief Justice Torbert, Tapley, the superintendent of the respective county or city school system, Presiding Circuit Judge John David Snodgrass, Presiding District Judge Dan W. McCoy, and Circuit Clerk Billy Harbin.

On November 20 the chief justice will travel to Houston County to speak to all Dothan city and Houston County senior students. In addition to the chief justice and Tapley, the panelists for the Dothan/Houston County forums will include Presiding Circuit Judge Jerry M. White, Circuit Judges Don P. Bennett and J. Ronald Storey, Circuit Clerk Julia Trant, and the superintendents of the city and county school systems.

State Senator Cordy Taylor, who attended the educational forum held in Greenville last spring coordinated efforts with Autauga County educators to arrange for the chief justice to conduct an educational forum on December 17 for the Prattville High School senior students. The chief justice, Tapley, Presiding Circuit Judge Joe Macon, Circuit Judge Walter C. Hayden, Jr., Autauga County District Judge

James E. Loftis, Circuit Clerk Fred Posey and City Judge George Howell will serve as panelists.

"It is the responsibility of those of us who constitute the judiciary to inform the public, particularly our young people, on the rule of law and our system of justice," Torbert said. "We cannot take this responsibility lightly," Torbert continued. "Only and until we reach out to these young people can we expect them to appreciate our democratic system of government and, hopefully, become better informed and law-abiding citizens as adults."

NATIONAL TASK FORCE MEETS TO DEVELOP MINIMUM JURY STANDARDS

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named to the task force. The purpose of the study, according to project director Linda Caviness of the National Center for State Courts, is to develop minimum standards for jury usage and management. "It will parallel with the Juror Utilization Management Incentive Program sponsored by the Law Enforcement Assistance Administration in which Alabama participates. The basic information to be used for the study will come from the eight states and two municipalities participating in the JUMI program," Ms. Caviness said.

Among the 12 elements to be studied as minimum standards by the task force are Calendar Coordination, Source Lists, Orientation of Jurors, Term of Service and Qualification/Summoning Processes.

This study is funded by a Law Enforcement Assistance Administration grant. Members of the study group along with Tapley who represents the Conference of State Court Administrators include Walter Kane, Rhode Island state court administrator and immediate past chairman of the Conference of State Court Administrators; Judge James Noe, Seattle, Wash., representing the National Conference of State Trial Court Judges; Hank Rodgers, executive officer and jury commissioner, Ventura, Calif., representing the National Association of Trial Court Administrators; Judge Janice L. Gradwohl, municipal court judge, Lincoln, Neb., representing the National Conference of Special Court

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CIRCUIT JUDGES REPORT ON FIRST YEAR OF JUMI PROJECT IN ALABAMA

A comprehensive report on the first year of the state's Juror Utilization/Management Incentive Project was presented to circuit judges at their fall judicial seminar in September sponsored by the Alabama Judicial College. The presentation was conducted by circuit judges and court officials participating in the 14-county project and staff members of the Administrative Office of Courts Jury Management Division.

Judges and court officials were chosen to lead discussions in project areas which they have incorporated in their courts or with which they have had previous experience.

Discussion leaders and their presentations at the conference were: 15th Judicial Circuit Presiding Judge Perry Hooper, 9th Judicial Circuit Presiding Judge Randall Cole and 15th Circuit Court Administrator Robert Merrill on Juror Orientation; 35th Judicial Circuit Presiding Judge Robert E.L. Key on Source Lists; 15th Judicial Circuit Judge William R. Gordon on Voir Dire Examination; 26th Judicial Circuit Presiding Judge Paul J. Miller and 26th Judicial Circuit Judge Wayne Johnson on Multiple Voir Dire; 11th Judicial Circuit Presiding Judge Edward Tease and 11th Circuit Judge Leslie Johnson on Case Management in Relation to Jury Management; 23rd Circuit Clerk Billy

Harbin and AOC Jury Programs Coordinator Janie M. Alexander on Formula for Summoning Jurors; and AOC Information Systems Officer Jan Shultz on Computerization of the Jury System.

Chief Justice C.C. Torbert Jr. opened the conference and introduced guest speaker G. Tom Munsterman, executive vice president, Center for Jury Studies, McLean, VA., who spoke on Nationwide Developments in Juror Utilization and Management. Assistant Director of AOC Trial Court Operations Hunter Slaton gave an overview of the Jury Project in Alabama.

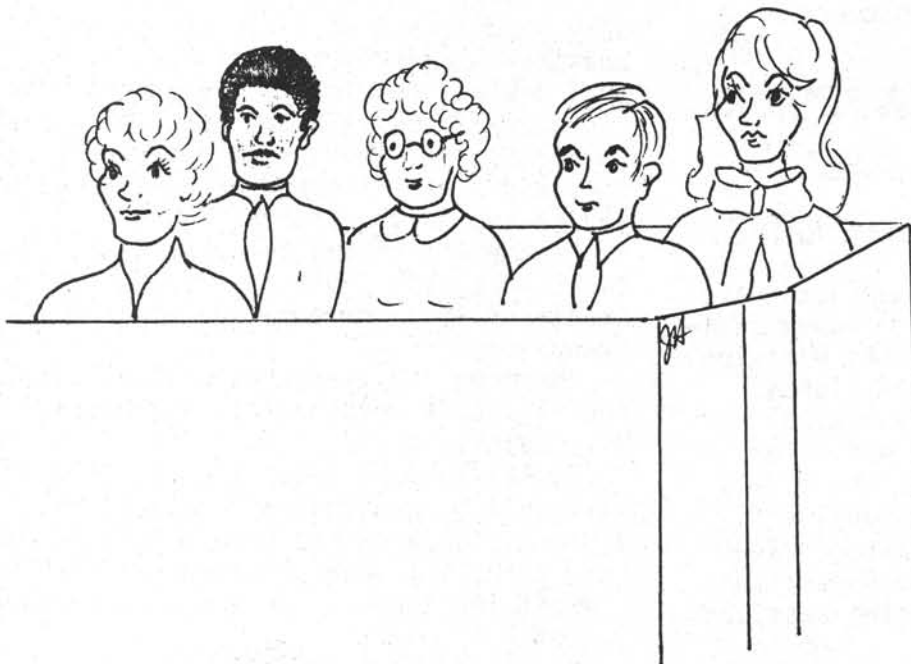
In general, the results of the first year of the JUMI project have confirmed the positive nature of jury management in Alabama. As the project continues into its second year, a major emphasis will be the improvement and upgrading of the existing system. In this regard, Supreme Court Justice Hugh Maddox chaired a discussion at the seminar on the Future of the Jury System in Alabama which centered around proposed changes to the jury system prepared by the AOC and based on suggestions gathered from judges, clerks, sheriffs, district attorneys, lawyers and jurors.

The Juror Utilization/Management Incentive Project began in Alabama in September 1979 when the Law Enforcement Assistance Administration awarded the state a \$101,262 grant to study the jury process and establish management systems for juror usage. Nine circuits composed of the 14 counties were selected for the pilot project since they accounted for approximately 55 per-

cent of the total jury expense for the state. The counties selected were Jefferson, Mobile, Montgomery, Madison, Tuscaloosa, Etowah, Lauderdale, Houston, Russell, Dallas, Bibb, Hale, Perry and Wilcox.

As set out in the grant, the purpose of the project was to achieve permanent improvements in state trial court jury systems through the application of specific proven techniques of juror utilization and management.

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CIRCUIT JUDGES REPORT ON FIRST YEAR OF JUMI PROJECT IN ALABAMA

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Set up in three phases, the project began with the implementation of an information reporting system and an assessment of current jury practices in each pilot court. Phase II of the project involved the development by the staff and local court officials of a jury management plan for each court. Phase III consists of the implementation of the proposed plan and an evaluation of the results.

The reporting system provided the team with a uniform method of evaluating jury utilization involving over 20 activities that affect juror usage and satisfaction.

The data obtained from the information reporting system and the local assessment of each court were used together in the formulation of the model plans.

The final phase is the implementation of the model plans and to date, three of the counties--Houston, Madison and Lauderdale--have implemented their plans. Implementation of the plans in the remaining 11 counties will be completed this fall.

The JUMI program has received continued funding from LEAA and three areas of emphasis have been planned for the upcoming year--finalizing implementation of the model plans; bringing additional counties into the program; and developing a statewide technical assistance program.

TRAFFIC CASE ADJUDICATION SEMINARS COMPLETED FOR DISTRICT JUDGES, TRAFFIC COURT JUDGES, MAGISTRATES

Traffic case adjudication seminars have been completed jointly by the Alabama Judicial College and Municipal Courts Division of the Administrative Office of Courts.

Two regional seminars for municipal court judges, one statewide seminar for district court judges, through their fall judicial seminar, and four regional seminars for municipal court clerks and magistrates were conducted during August and September. All of these training sessions

were held to educate judges and court officials on changes in Alabama's traffic laws and other procedural and rule changes resulting from the passage of the Rules of the Road Act by the 1980 legislature.

Further information concerning these seminars including issues raised will be featured in October's Court News.

NATIONAL TASK FORCE MEETS TO DEVELOP MINIMUM JURY STANDARDS

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Judges; Judge Roger Strand, associate presiding judge, Superior Court of Maricopa County, Phoenix, Ariz., representing the National Conference of Metropolitan Courts; and Don Cullen, district administrator, Austin, Minn., representing the National Association for Court Administration.

"I feel Alabama's progress in the area of jury management was one of the reasons I was asked to serve on the task force," Tapley said. "The leadership displayed by Hunter Slaton, Mike Carroll, coordinator of case and jury programs, and Janie Alexander, coordinator of jury programs, through their work on the JUMI project has earned them significant recognition in the area of jury management."

The task force will review standards established by the National Center for Jury Studies and will discuss other possible standards such as jury size, jury pay and unanimity of verdicts.

Ms. Caviness said the task force plans to go to great lengths to discover what does and doesn't work when dealing with juries and jury practices.

At the end of the two-year study, the task force will publish a report of its standards with commentaries on those standards.

"We hope the standards will be usable for all court personnel in all courts," Ms. Caviness said.

Tapley said he hopes the task force will go a step beyond development of minimum standards and provide states with some practical suggestions on how to implement improvements in the jury process.

PROFILE

Judge John Paul DeCarlo

When Paul DeCarlo was a child of 13, his father brought him to America. Their original destination when leaving the old country, Sicily, was Argentina. But when a passenger heading for America backed out of the trip, young Paul and his family were allowed to exchange places and head for America--the land of opportunity.

Paul DeCarlo met and married Mary, also a Sicilian immigrant and lived to see his only son, John Paul, appointed an Alabama appellate judge--a dream come true in the land that had offered him the opportunity to work, earn a living and educate his offspring. "The good Lord was watching over my family then, or I would be a judge in Argentina today," Court of Criminal Appeals Judge John Paul DeCarlo said, never doubting his destiny.

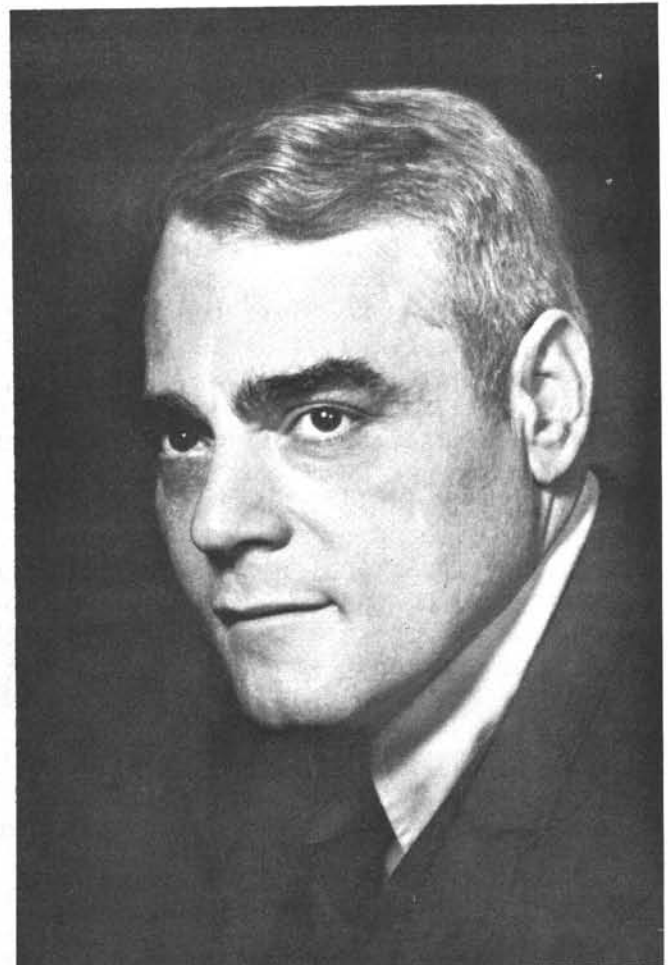
"I'm proud of my heritage," the first generation American said. "My people had to work hard all their lives to get where they are. My father couldn't read or write, but he was one of the smartest men I've ever known. He took \$33, paid \$12 out in rent and started a successful business for himself. My parents were my prime motivation--they wanted me to do something, to make something out of myself," Judge DeCarlo said.

Born in Etowah County, DeCarlo graduated from Howard College in 1952 after attending public schools in Jefferson County. He received his LL.B. degree from the Birmingham School of Law in 1959 and in 1965, he graduated from Cumberland School of Law with a J.D. degree, working in his father's store to earn his way.

"My father never wanted me to forget where I came from," the judge said.

Immediately after graduating from Cumberland, DeCarlo became deputy district attorney in Birmingham and served there for seven years except for a two-year period when he served as assistant banking director for the state under Gov. Lurleen B. Wallace.

"I always thought it was an honor to be in the district attorney's office--my daddy did, too. Now it is a great honor and privilege to serve as



Judge John Paul DeCarlo

an appellate judge--one of the great privileges of being in America," he said adding, "this is so soap-operaish, but it's true. You talk about a generation removed from an outhouse--my family didn't even have an outhouse in the old country. You always think of Italians eating spaghetti--they didn't have spaghetti. They were doing good if they had a little cheese, bread and onions."

Judge DeCarlo was appointed by Gov. George C. Wallace to fill the seat on the Court of Criminal Appeals left vacant by the late Judge Annie Lola Price in July of 1972. In 1974, he was elected to fill the unexpired portion of her term, and in 1976, he was elected to a full six-year term.

During Gov. Wallace's presidential campaign of 1968, DeCarlo served as national

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TAPLEY TO ADDRESS STUDENTS, ADULTS IN BESSEMER, SCOTTSBORO, LEE COUNTY

During the month of October, Administrative Director of Courts Allen L. Tapley is scheduled to speak to student and adult groups in Bessemer, Scottsboro and Lee County about the Alabama system of justice. He will also meet with local court employees in these areas to discuss their concerns and express the Administrative Office of Courts' interest in providing whatever support they may need.

The Bessemer schedule for Oct. 16-17 was arranged by Judge Walter Bridges of the 10th Judicial Circuit. On Oct. 16, Tapley will address the Hueytown Lions Club. A breakfast meeting of the Bessemer Area Chamber of Commerce, "Eggs and Issues," is scheduled for the following morning followed by appearances at Gilmore Bell Vocational High School, Bessemer Academy and a noon luncheon with the local bar association. Tapley will visit with the Bessemer court employees later that day.

Both Tapley and Chief Justice C. C. "Bo" Torbert will participate in Lee County's "Legal Heritage Week" Oct. 13-17. The week-long activities were coordinated by Presiding Circuit Judge George H. Wright, Jr., Circuit Judge James T. Gullage, District Judge James Noel Baker, Circuit Clerk Annette Hardy and Court Administrator Ruth Henry. During the week, the chief justice will address a meeting of the Business and Professional Women's organization and Tapley will address the Kiwanis Club and Auburn University political science students.

On Oct. 29, Judge John B. Tally, presiding judge of the 38th Judicial Circuit, has arranged a one-day schedule for Tapley in Scottsboro during which he will speak to assemblies of Scottsboro High School and Pisgah High School students. He will also address the Scottsboro Rotary Club's noon meeting, meet with local court officials and address an afternoon gathering of the local bar association.

"These all-day or two-day schedules allow me to talk with student groups through the schools and adult groups through civic groups about our system of justice in Alabama," Tapley said. "It's so important to me and the judges who have

arranged these meetings for the public to be educated on their state and local judiciary. It is significant, too, that the local bar associations are getting involved in the educational process.

"The highlight of these schedules, though, are the informal visits with local court employees. We don't share as much informal time as I would like getting to know each other and discussing our individual concerns," Tapley continued. "As I travel across the state, talking with school and civic groups, I am pleased to have the opportunity of getting to know the local court employees."

PROFILE: JUDGE JOHN PAUL DECARLO

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campaign coordinator and in 1972, he was presidential campaign legal advisor for the governor.

"My experiences in the district attorney's office helps me to visualize what has transpired as I read the criminal appeals. When I'm reading these cases--and lawyers can get very verbose--I can sit back and imagine what is happening. Appellate judges can sit here and have the luxury of hindsight and reflection which lawyers and trial judges don't have in "the pits." Actual trial experience is so important when you're reading this stuff--there are a lot of things you just can't realize until you've been there."

Judge DeCarlo enjoyed every minute of being in the courtroom, and says that is what he misses most on the appellate bench.

"Our opinions are instructive. Sometimes, in an effort to keep up with the work, I worry that we don't have enough time to sit and reflect."

A resident of Birmingham, DeCarlo is a member of the Catholic Church and recently completed a term on the church council of St. Paul's Cathedral in Birmingham. He is a member of the Birmingham, Alabama and American Bar Associations; the American Judicature Society and the American Trial Lawyer's Association. He is married to the former Elizabeth Collins of Thorsby and has one daughter, Mary Elise who now serves in the Birmingham district attorney's office.

DeCarlo strongly believes in and has
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PEOPLE * PEOPLE

Birmingham Circuit Judge

James O. Haley may have left the bench and gone into judicial retirement, but he is far from being removed from the judicial arena. Besides making himself available to the court "after I get rested up," he is teaching two classes at Cumberland Law School, and is currently working on a trial judges' handbook on workman's compensation which will be delivered at the trial judges' spring seminar next April.



JUDGE JAMES O. HALEY

"I decided to retire at this time because I couldn't run for office again due to age and I had the opportunity to teach at Cumberland," Judge Haley said. "I was teaching a few classes before I retired (effective the end of August) but now I spend some time during the day at the law school, reading and advising students."

Judge Haley spent 12 years on the Birmingham bench handling civil cases. A lengthy article he wrote, "Reflections Of My Time On The Bench," was published in the most recent issue of the Birmingham Bar Bulletin. In his "Reflections," he talks about the state courts' change from the old to the new unified system and the condition of the civil dockets in Birmingham, why they're congested and what needs to be done to relieve them.

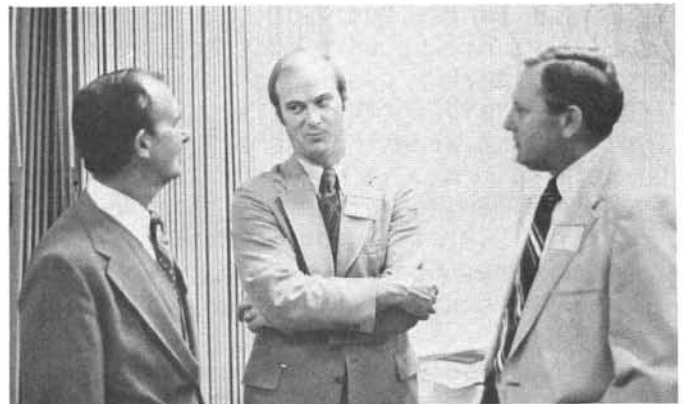
Prior to Judge Haley's election to the circuit bench, he was a trial lawyer in private practice in Birmingham.

Johnny Daly Toone, bailiff for Morgan County District Judge C. Bennett McRae, will retire at the end of this month and at 84, is the oldest employee in the judicial system.

Toone has been working at the courthouse since 1963. Prior to that, he worked 35 years with L & N Railroad as a detective.



NIGERIAN COURT OFFICIALS VISIT AOC...Two members of the Nigerian Judicial System visited AOC to learn about the American judicial process. Pictured, from left, Norman Scrag, U.S. State Department, Mary Lou Butler, AOC hostess to the visitors, Simeon Fatogun and John Oyekan of Nigeria and Angelo V. Trimble of AOC.



NEW BIRMINGHAM CIRCUIT JUDGES...James S. Garrett (center) and N. Daniel Rogers Jr. (right) talk with Supreme Court Justice Hugh Maddox at fall judicial seminar.

Supreme Court Justice Sam Beatty participated in a Wyatt v. Stickney Symposium Sept. 25-26 in Tuscaloosa.

The Symposium featured participants from across the country and centered around the first judicial decision to recognize a constitutional right to treatment for the involuntarily committed mentally ill.

Beatty presented a judge's view of the mental health laws.

PEOPLE * PEOPLE

Presiding Circuit Judge *T. Leon Beard* of the 14th Judicial Circuit will retire at the end of this month.

Judge Beard has been on the bench in Walker County since Jan. 18, 1965.

Gov. Fob James has appointed District Judge *Horace H. Nation, III* of Walker County to succeed Judge Beard on the circuit bench. A new presiding judge should be named in the near future.

Alabama Supreme Court Justice *R.P. Almon* will conduct swearing-in ceremonies for Judge Nation on Oct. 1.

Cullman County District Judge *Robert A. Sapp* has announced his intentions to retire at the end of his present term in January.

Judge Sapp has worked in the public sector of Cullman County for approximately 22 years, serving eight years as county solicitor, 10 years as intermediate judge and four years as district judge.

Members of the Mobile County district clerk's office were made honorary assistant attorney general's following their efforts in aiding the Welfare Fraud Task Force in its arrest of some 325 Mobile Countians.

The following letter was received by Presiding District Judge Nicholas Kearney from Attorney General *Charles Graddick* commending District Clerk *George Edgar*. "Dear Nick,

"As you are aware, the Welfare Fraud Task Force presented 325 felony warrants to the District Court on Aug. 18, 1980. The staff of the Clerk's office bore the brunt of this tital wave of paper. Although there has been much publicity on the matter, it seems that the efforts of the District Court Clerk's Office have been singularly missed. The District Clerk, Mr. George Edgar, opened his offices to the Task Force members and facilitated their job with every courtesy.

"In particular, I would like to call your attention to the efforts of the entire staff of the criminal side, who pitched in with the will to help process the tremendous amount of paper such a mass

arrest generates. Not only was the work accomplished, but it was done so with the spirit of goodwill and cooperation that so well compliments the District Court and its Clerk's office."

The 19 staff members named honorary assistant attorney generals were *Ina Wilkerson, Ruby Barret, Mary King, Betty Williamson, Debra Price, Lucy Kahalley, Bekki Sweet, Debbie Gardner, Linda Price, Peggy Bryant, Carolyn Clark, Clara Gilmore, Ruth Williams, Brenda Godfrey, Kay Previto, Marilyn Bowman, Mary Martin, Elizabeth Schlater* and *Connie McMullen*.

The brother and sister dance team, *Laura* and *Mark Sellers*, children of *Joy Sellers* who is employed in the Morgan County register' office, won the Dick Clark American Bandstand Dance Contest finalized this month.

The Sellers each won an automobile.

Alabama Supreme Court Justice *James N. Bloodworth* retired earlier this month for health reasons.

The senior member of the Supreme Court, Justice Bloodworth had been on the high court bench since 1968.

Gov. Fob James has yet to name a successor to Justice Bloodworth.

Ardmore Municipal Judge *Jerry Batts* has succeeded Vestavia Municipal Judge *James Garrett* as president of the Alabama Association of Municipal Judges. Garrett gave up the post when he was appointed to a vacant circuit judgeship in Birmingham.

Soyna Moore, secretary to Chief Justice S.C.C. Torbert Jr., and her husband, *Tom*, are the proud parents of a baby girl, *Amy Elizabeth*, born Sept. 25.

Thanks to you it works ...

FOR ALL OF US



United Way

ADMINISTRATIVE OFFICE OF COURTS UNDERGOES IN-HOUSE TRAINING...

...IN MANAGEMENT CONCEPTS



DR. JAMES F. CASHMAN

...IN COMMUNICATION CONCEPTS

Approximately 40 members of the Administrative Office of Courts staff recently underwent a two-day communications session with Pauline Graivier of Verbal Communications, Inc. of Dallas.

The sessions involved practices in listening, group dynamics, problem-solving, name identification, character judging and instruction giving and taking.

"The purpose of these sessions," Ms. Graivier said, "is not to teach you anything new, but to heighten your awareness of the skills you use everyday."

Administrative Director of Courts Allen L. Tapley initiated the meeting after hearing Ms. Graivier conduct similar sessions with circuit and district judges.

"Effective communication is so important to the efficient operation of any organization," said Tapley. "I am pleased that the Administrative Office staff has effective communication channels both in-house and most importantly with judges and other court officials throughout the state."

Several checklists were established by the group on effective listening and communicating such as being aware of time priorities, listening without being distracted by irrelevancies or emotion-packed words and looking for feedback.

After conducting the sessions at AOC, Ms. Graivier traveled to north Alabama to conduct a similar session with appellate judges during their annual conference at Joe Wheeler State Park.

The Administrative Office of Courts has recently assessed its in-house management practices under the direction of Dr. James F. Cashman, associate professor of Management and Marketing at the University of Alabama. This assessment was made after initial meetings between Dr. Cashman, Administrative Director of Courts Allen L. Tapley and AOC directors. A management survey was administered to all AOC employees and this survey served as the basis for a subsequent series of training sessions for all directors and division managers.

The survey showed clearly that the AOC staff can be generally characterized as holding positive attitudes toward their jobs and the attainment of the broad goals set for the Unified Judicial System. However, it was discovered that there is a need for more effective teamwork and communication between the directors and divisional level managers.

Dr. Cashman's survey showed that managers need to be more responsive to the needs of their subordinates in order to effect positive changes toward growth of the individual employees' productivity and ultimately the building of a stronger organization. Training subordinates requires a delicate balance between showing concern for them as individuals while helping them to mature in their job performances. This maturity can only be gained if managers allow subordinates

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PAULINE GRAIVIER OF VERBAL COMMUNICATIONS ...talks with Charles Pinkham, purchasing agent for AOC.

PROFILE: JUDGE JOHN PAUL DECARLO

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faith in the Democratic system of government and the election process.

"Judges should be elected therefore making them subject to the will of the people. We can't worry about what people think. We have to do what's in our minds and hearts and what's right. That's why we put on the black robes. We must always remember that we are elected or appointed, not annointed. Some judges forget this."

RESULTS OF ELECTIONS SLATED

FOR STATE JUDICIARY

Following are the results of the statewide judicial primary elections held on Sept. 9 and a listing of contested judicial races slated for the Nov. 4 general election.

Circuit Judges (Democratic Primary): 20th Judicial Circuit (Houston and Henry Counties)--Ron Storey (incumbent) defeated District Judge Billy Joe Sheffield. 26th Judicial Circuit (Russell County)--Wayne T. Johnson (incumbent) defeated Assistant District Attorney Tom Estes.

District Judges (Democratic Primary): Bullock County--Dwight Hixon (incumbent) defeated Richard L. Osborne. Calhoun/Cleburne Counties--Nathaniel Owens (incumbent) defeated John Thompson. Chilton County--Marise Mims defeated Robert L. Bowers (incumbent). Choctaw County--John Christopher (incumbent) defeated Pedro Scurlock. Colbert County--George E. Carpenter defeated Jerry Vanderhoef (incumbent). Escambia County--Ernest R. White defeated Charles R. Godwin. Lamar County--Bill Winston (incumbent) defeated Joseph W. Warren. Lauderdale County--Deborah Bell Paseur defeated Ron Duska (incumbent). Lee County--James N. Baker (incumbent) defeated Mike Nix. Limestone County--Howard D. Burns nominated after opponent withdrew. Mobile County--James D. Sullivan defeated Prichard Municipal Judge Frankie Fields Smith (Place 1) and Tom Sweeney (incumbent) defeated Joe Quinlivan (Place 2). Pickens County--B.G. Robinson Jr. (incumbent) defeated Tom Woodard. Shelby County--Patti M. Smith (incumbent) defeated Harry Lyon.

Tuscaloosa County--Gay M. Lake Jr. defeated James W. Harris and Tommy Smith for election to new judgeship.

CONTESTED GENERAL ELECTION POSITIONS--NOV. 4.

Alabama Supreme Court, Place 1, R.P. Almon (incumbent) (D) vs. Fred Blanton (R).

Circuit Judges: 10th Judicial Circuit--Place 20--Wadell C. Zanaty Jr. (incumbent) (D) vs. Barbara Norris Scott (R).

District Judges: Cullman County--J. Wilfred Tucker (D) vs. Roy W. Williams Jr. (R). Sumter County--Thomas F. Seale (Incumbent) (D) vs. Eddie Hardaway Jr. (Independent). Tuscaloosa County--Gay M. Lake Jr. (D) vs. George B. Gordon (R).

COORDINATORS CHANGE IN DUI PROGRAM

The following changes should be made to the DUI Coordinators list found in the appendix to the DUI Manual: Choctaw, Marengo and Sumter Counties--from: Eugenia Nix, to: Linda Thomas; Green and Hale Counties--from: Suzette Boswell, to: Velma Lewis; Chambers County--from: Ed Walters, to: Ron Stephens; Dallas, Perry and Wilcox Counties--from: Gregory Sheffield, to: Dr. Clyde Walker; Lamar and Fayette Counties--from: Lowanda Johnson, to: Larry Dean.

AOC UNDERGOES IN-HOUSE TRAINING IN MANAGEMENT CONCEPTS

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sufficient leeway to make responsible decisions.

"The main benefit derived from Dr. Cashman's sessions," said Tapley, "has been the realization that from time to time, organizations should look at their management practices very objectively from within and identify both problem areas and strengths in order to provide a meaningful basis for overall improvement."

Dr. Cashman is presently working with Alabama Judicial College Director Thelma Braswell in coordinating a training program for clerks and registers.

AUBURN UNIVERSITY RESEARCH

STUDY FINDS JUDICIAL ARTICLE, ALEPA ASSISTANCE HELPED COURTS IMPROVE CASE DISPOSITIONS

At the request of the Alabama Law Enforcement Planning Agency, Auburn University's Office of Public Service and Research has completed a study on criminal case processing in selective circuits. For the past 11 years, the ALEPA has provided substantial funding for all segments of the court system including judges, district attorneys, and indigent defense systems. The purpose of this study by Auburn University was to determine whether this broad support had any impact on the overall court system in Alabama. The ALEPA and the Law Enforcement Assistance Administration provided substantial support for the development and implementation of the Judicial Article. Of primary interest to the researchers was a determination of the impact of the Judicial Article on the processing of criminal cases in the state.

For the purposes of this study, researchers collected data on the speed of disposition for criminal cases in four selected circuits for the time period 1975 through 1978. This time period provided information on court activities for two years prior to and two years after implementation of the Judicial Article. For comparative purposes, cases which were disposed of within 152 days of the date of indictment were classified as expeditious dispositions. Of the four circuits observed, three improved their expeditiousness rate. The fourth circuit's expeditiousness rate slightly decreased; however, this circuit had an unusually high rate to begin with and this decrease was not significant. It reported the highest rate for 1975-76 and second in 1977-78.

Based on the information provided during this study, Auburn University's Office of Public Service and Research concluded that the selected circuits showed a clear improvement in the overall expeditiousness of dispositions for the study period and secondly that such improvement was a result, at least in part, of the implementa-

tion of the Judicial Article, an accomplishment which was greatly aided by assistance provided through the Alabama Law Enforcement Planning Agency and the Law Enforcement Assistance Administration.

PERMANENT STUDY COMMISSION TO MEET

A meeting of the Permanent Study Commission on Alabama's Judicial System has been scheduled for Dec. 4-5 in Tuscaloosa by its chairman, Chief Justice C.C. Torbert Jr. and vice chairman, State Representative Rick Manley.

Since the last meeting of the PSC during the past legislative session, various PSC members, special committees, Administrative Office of Courts' staff and others have been working on special projects, studies and proposed legislation. Reports on these matters and consideration of special subjects by PSC subcommittees will comprise the agenda for this day and a half meeting at the new Law Center on the University of Alabama campus.

The broad statutory charter of the PSC authorizes its continuous study of the judicial system of the state, the administration of justice, criminal rehabilitation, criminal punishment methods and all matters relating to the administration of justice.

In addition to consideration of continuing items such as Indigent Defense, Juvenile Justice and Caseload Management, consideration will be given to a comprehensive and innovative new program for Jury Management--including proposed implementing legislation. Consideration will also be given to proposed legislation regarding witness fees, appeals of juvenile cases and "not guilty by reason of insanity" cases.

COUNCIL ON CRIME AND DELINQUENCY

SLATES NOVEMBER ANNUAL MEETING

The Alabama Council on Crime and Delinquency will hold its 32nd annual meeting in Eufaula Nov. 12-14.

Guest speakers will include Attorney General Charles Graddick, Montgomery District Attorney Jimmy Evans and Montgomery Circuit Judge Randall Thomas. Administrative Director of Courts Allen L. Tapley will serve on a panel discussion, "The Eighties..Planning for Change..Forecasting Methodologies."

APPELLATE JUDGES HOLD ANNUAL CONFERENCE AT JOE WHEELER PARK

The Alabama appellate judges held their annual conference, Sept. 11-12, at Joe Wheeler State Park sponsored by the Alabama Judicial College.

All appellate courts were well represented and Justice James H. Faulkner served as chairman for this year's conference.

The program consisted of presentations on communications techniques by Ms. Pauline Graivier, president of Verbal Communications, Inc. of Dallas, TX., and a presentation by Ms. Betty Taylor, professor of law and director, Law Library, Spessard L. Holland Law Center, University of Florida.

LAWYER-JUROR COMPLIMENTS JURY SYSTEM IN JEFFERSON COUNTY

Birmingham Circuit Judge Marvin Cherner received the following letter from Birmingham Attorney Samuel H. Burr following his service as a juror in the circuit court.

"Dear Marvin,

"I have just completed my first tour of duty as a member of the jury panel for the week of Sept. 15. As a member of the Bar, I wanted to write you this note to let you know the efficient, informative, and courteous manner in which the employees of the jury panel were treated. The Monday morning ceremony when we were instructed about the important service rendered by jury members and when we were introduced to the trial judges was very impressive. From that moment on, we were treated with utmost courtesy, consideration and dignity by the court personnel; the judges before whom we appeared went out of their way to make the members of the jury panel appreciate our jury system and the important function of jury service.

"More importantly, the comments which I heard from many fellow members of the jury panel made me believe that all of them completed their service on the jury panel with a much better understanding of the jury system and procedure and a greater faith in our judicial system."

UJS APPEALS BOARD TO HOLD MEETING

On Oct. 23, the Unified Judicial System Appeals Board will meet at 10 a.m. in the conference room at the Administrative Office of Courts in Montgomery.

This will be the first meeting of the board since Chief Justice C.C. Torbert appointed two new members to fill vacancies in August.

The two new members, Larue M. Ward, an employee in the Jefferson County circuit clerk's office, and Bill Kynard, Dallas County clerk and register, join Chairman Hardie B. Kimbrough, presiding circuit judge, 1st Judicial Circuit; Macon County District Judge Aubrey Ford Jr., and retired District Judge Wesley Smith of Sylacauga, on the board.

THE UNITED WAY IS A GIFT WE GIVE EACH OTHER FOR BEING HUMAN.



Sometimes it's not easy being human. Medical libraries are filled with diseases of the body and mind.

And, as if that weren't enough, we humans tend to create many of our own problems.

The United Way is an organization devoted to making it easier to deal with these problems.

It's like a gift we give to each other for being human.

A gift in the best of human traditions: sharing.

Thanks to you.



Thanks to you, it works. For all of us.

Ad

United Way

Judge Bloodworth

Last week's announcement of the resignation by Justice James Bloodworth from the Alabama Supreme Court was received with sadness. The reason, because of health, doubled the impact.

Justice Bloodworth, a native of Decatur who practiced law and was on the bench here before moving to the high court in Montgomery, has been a keen student of the law, one who has handled his share of decisions from the bench, and one who found that only the toughest of cases reach the Supreme Court and, therefore, require hard work to decide.

He has been called to speak at

seminars throughout the country on various legal subjects, but particularly in the field of search and seizure, one of the toughest problems that has faced the courts of this land.

Justice Bloodworth is much too young for retirement, however, poor health has dictated his decision for he would not leave the field he so dearly loves if it were otherwise possible. It's our hope that his good health can be restored, and that he can return to continue his work in law.

His career has been outstanding, and it is sad to see his disability force this turn of events.

This Clip From
DECATUR DAILY

An Excellent Jurist

The announcement by James N. Bloodworth, Associate Justice of the Alabama Supreme Court, that he will retire Sept. 17 removes one of the state's ablest jurists from the bench.

First elected in 1968, Bloodworth has been re-elected easily each time he has faced the voters. His scholarship, his temperament and his dedication to the law have made him one of the state's finest servants of the law.

A native of Decatur, Bloodworth was a practicing at-

torney for 11 years and circuit judge for 10 years in Lawrence, Limestone and Morgan counties before he was elected to the state's highest court.

In ill health for some time, Bloodworth is stepping down now so that another justice can be chosen who can devote full time to the task. Bloodworth has served the state well in his 12 years on the Supreme Court. The service he has rendered is an example for others to follow. We wish him well in his fight to regain his health.

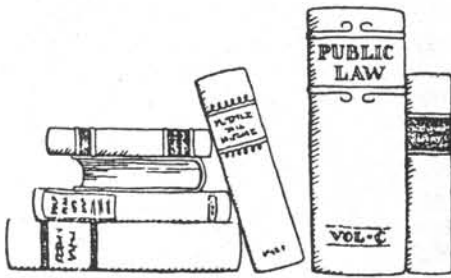
This Clip From
HUNTSVILLE TIMES

As judge and citizen

It is unsettling news that Judge James Bloodworth has elected, for physical reasons, to resign his seat on the State Supreme Court. Attorneys rate him conscientious, thorough and fair. Those of us who know him in a less formal setting rate him as a thoughtful friend who, though the encounters may be months apart, is evermore the same - earnest, interested and shining. Newspapermen regard him professionally as a kind of kinsman by one remove; his Dad was harnessed with the great Barrett Shelton on *The Decatur Daily*, one of Alabama's best newspapers. Son Jimmy took the next logical step in advocacy and became an attorney. Unlike many who are brought to Montgomery by political circumstance, Jimmy Bloodworth became and remains a resident citizen in all respects. What more need be said than that in that role he is exemplary.

This Clip From
THE INDEPENDANT

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

Court Reporters May ReceiveMaternity Leave Pursuant to PolicyEstablished by Judge

In the following opinion dated July 28, 1980, the attorney general determined that court reporters may receive maternity leave pursuant to a policy established by the circuit judge who employs such court reporters.

Gentlemen:

This office has received your request for an opinion asking if the county may continue paying the monthly supplemental compensation to a court reporter who is allowed maternity leave by the judge who appointed her.

Section 1-17-270, Code of Alabama 1975, provides that each circuit judge of this state "shall appoint a competent person to perform the duties of official court reporter of the courts over which said judge presides." Section 12-17-274, Code of Alabama 1975, states that official court reporters shall be paid a salary by the state and in addition shall be paid a salary by the county. This section also states that payment shall be made on a certificate issued by the judge.

All persons of the state who are regularly employed by the state who are in the classified or unclassified service of the state are entitled by law and regulations to annual leave, sick leave including maternity leave, and other fringe

benefits based on the position held, compensation, and length of state service. While the law is specific as to other employees it is not so in relation to court reporters. It is the opinion of this office that nonetheless as a regularly employed employee of the state, court reporters may receive maternity leave pursuant to a policy established by the circuit judge who employs such court reporter. The employing judge may establish and implement a specific policy to provide maternity leave benefits for court reporters as long as such policy is reasonable and is reasonably consistent with similar benefits for other state employees.

Under the above circumstances, your question is answered in the affirmative. The county may pay for maternity leave for a court reporter taking such leave with the approval of and pursuant to a policy established by the judge who appointed such reporter.

Fees Charged by Courts Should BeUniform Throughout the State

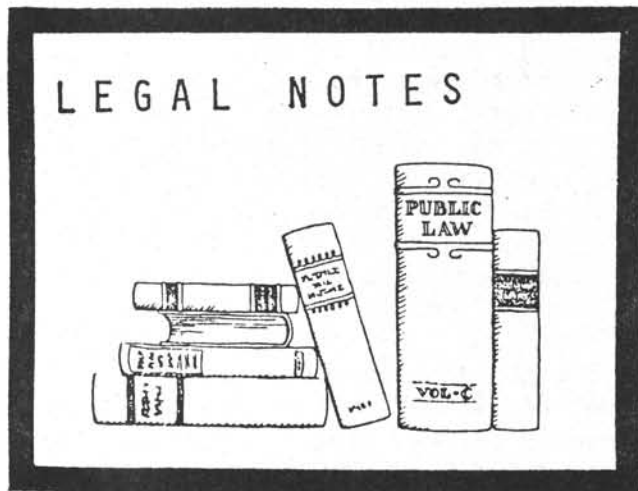
In an opinion dated July 29, 1980 the attorney general stated that in order to have a "unified" judicial system as provided in Section 6.01 of Amendment 328 of the Constitution of Alabama 1901, the fees charged by the courts should be uniform throughout the state. The entire text of this opinion is included below.

Dear Judge Wyatt:

The Attorney General received your request for a reconsideration of an opinion issued to Senator John Teague, dated June 12, 1980. In your request you stated:

"I would appreciate clarification on the first part of the opinion concerning fees to be charged by the Judge of Probate of St. Clair County. I was instructed by the state auditors to collect fees according to Act #556 of the regular session of the legislature since it is statewide fees supposed to be the same in all counties. Now I am at a loss as to what to

(Continued On Page 15)



ATTORNEY GENERAL OPINIONS

(Continued From Page 14)

charge. In not only this act but in subsequent acts of the legislature."

That portion of the opinion to Senator John Teague in question said that because the fees set out in Act No. 566 of the 1975 Legislative Session to be charged by the probate judges in the state had not been approved by the voters of St. Clair County as required by Amendment 196 to the Constitution of Alabama, 1901, the fees could not be charged by the St. Clair County Probate Judge. Amendment 196 provides:

"The legislature may, from time to time, by general or local laws, to become effective only if approved by a majority of the qualified electors of St. Clair County voting at a referendum election held not less than three months after the final adjournment of the legislative session at which such law is enacted, fix alter, and regulate the costs and charges of courts in St. Clair County and the fees... to be charged or received by the judge of probate..."

Upon reviewing the above conclusion and applicable law, the Attorney General

wishes to modify the opinion as to this conclusion:

Amendment 328 of the Constitution of Alabama 1901 known as the Judicial Amendment, set up the judicial system for the state. Section 6.01 states "The judicial power of the state should be vested exclusively in a unified judicial system." The probate court is within the judicial system, the fees charged by the courts should be uniform through the State. This applies to fees charged by the probate court. As stated in the opinion of June 12, 1980 to Senator Teague, Amendment 328 prevails over Amendment 196 with respect to the salary of the probate judge. Likewise, because Amendment 328 requires a unified court system in the state, it would prevail over Amendment 196 with respect to the fees charged by the Probate Judge of St. Clair County. Therefore, the Probate Judge of St. Clair County should charge those fees set out in Act No. 566, 1975 Legislative Session and any subsequent acts regarding fees to be charged by Probate Judges in this state.

The remaining portion of the opinion to Senator Teague remains correct as it stands.

Retired Circuit Judge Not Prohibited

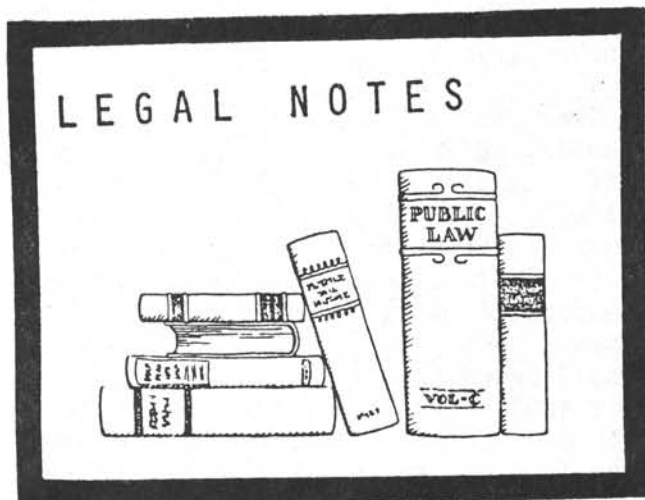
From Practicing Law

In an opinion dated July 28, 1980, the attorney general determined that a retired, inactive circuit judge is not "continuing in office" for purposes of Section 6.08(a) of Amendment 328 and is not bound by the canons of Judicial Ethics.

It should be noted that retired probate and district judges are prohibited from engaging in the practice of law by Section 12-18-89 and 12-18-62, Code of Alabama 1975, respectively. There are no corresponding statutory prohibitions for retired circuit, appellate and municipal judges.

The entire text of the attorney general opinion is included below.

(Continued on Page 16)



ATTORNEY GENERAL OPINIONS

(Continued From Page 15)

Dear Judge Brown:

I am in receipt of your request for an opinion as follows:

"May a Judge of Probate, on behalf of the Alabama State Bar, accept tender of the annual license fee for the privilege of engaging in the practice of law from an inactive, Retired Circuit Judge, and thereafter certify same to the Presiding Circuit Judge?"

Section 40-12-2, Code of Alabama 1975, places the responsibility for issuing business licenses and for collecting the payment for license on probate judges. Thus they are responsible for collecting such tax from and issuing law licenses to attorneys.

With certain enumerated exceptions, Section 40-12-49, Code of Alabama 1975, requires that each attorney engaged in the practice of law shall pay an annual license tax of \$100 to the state. This tax is collected by the probate judges and licenses are issued by them.

You have asked whether you may collect such tax from a retired, inactive circuit judge and thereafter certify his name to the presiding judge.

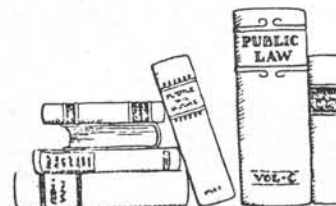
Your question is answered in the affirmative. Section 6.08(a) of Amendment No. 328 to the Constitution of 1901 states:

"No judge of any court of this state shall, during his continuance in office, engage in the practice of law or receive any remuneration for his judicial service except the salary and allowances authorized by law." (Emphasis supplied)

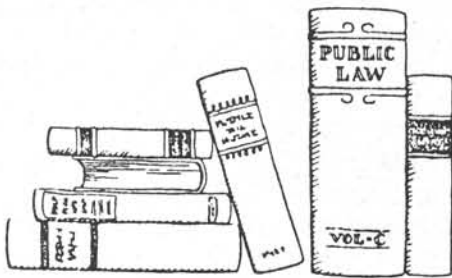
The question then becomes: Does a judge who is retired and inactive continue in office? The Supreme Court by Order dated April 2, 1980, amended that portion of the Canons of Judicial Ethics by adding a provision stating that retired and supernumerary judges who are not serving on the Supreme Court or on either of the Courts of Appeal or on any circuit court or district court of the state are not required to comply with the Canons of Judicial Ethics. See Section D(1) of the Order of the Supreme Court dated April 2, 1980. This removes the limitations imposed by the Canons of Judicial Ethics on retired and inactive judges. Furthermore, the Supreme Court in the commentary to its Order of April 2 stated:

"Retired and supernumerary justices or judges are not continuing in office under Section 6.08 of Amendment 328, Constitution of Alabama of 1901."

The Supreme Court has thus provided us with the Court's interpretation of the phrase "continuance in office." This interpretation is that such officials do not continue to hold judicial office and are not bound by the Canons of Judicial Ethics. Therefore, it is my opinion that you may accept tender of the annual license tax for engaging in the practice of law from a retired, inactive judge and you may certify the name of such person to the presiding circuit judge as having paid his license tax.



LEGAL NOTES



ATTORNEY GENERAL OPINIONS

Supernumerary Probate Judge Prohibited
From Serving as Mayor

In the following opinion dated August 19, 1980, the attorney general determined that one may not serve as a supernumerary probate judge and mayor of a municipality at the same time.

Dear Mr. Siegelman:

The attorney general received your request for an opinion from this office as to whether a supernumerary probate judge may hold a second office such as the mayor of a municipality.

Your question is to be answered in the negative.

Section 280 of the Constitution of Alabama 1901 prohibits an individual from holding more than one office of profit.

The office of probate judge is an office of profit (Quarterly Report of the Attorney General, Volume 77, page 47) as is the office of mayor of a municipality, (Quarterly Reports of the Attorney General, Volume 88, page 8.)

In an opinion of the attorney general to the Honorable John L. Knowles of Samson dated October 19, 1977, this office determined that if an office of profit is held in supernumerary status it remains an office of profit. Furthermore, the attorney general stated in an opinion to the Honorable Estes R. Flynt of Florence dated April 11, 1979 that a supernumerary probate judge must relinquish his supernumerary position to hold another county

office. This would likewise apply to a municipal office which is considered an office of profit.

Considering the above conclusions, the attorney general is of the opinion that Section 280 of the Constitution of Alabama would bar one from holding the positions of supernumerary probate judge and mayor of the city at the same time.

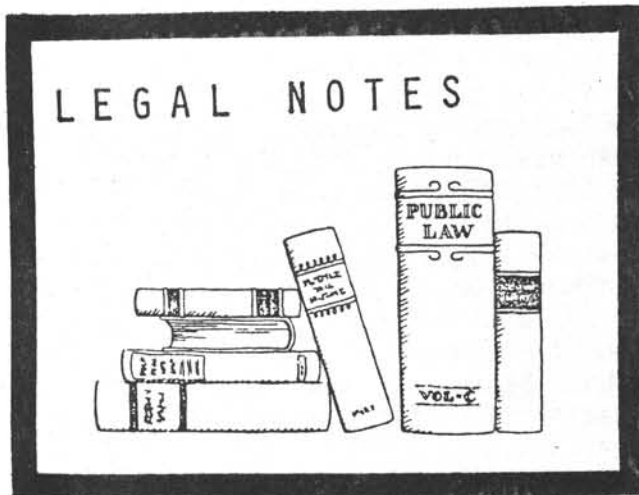
The attorney general is aware of the recent amendment to the Canons of Judicial Ethics by the Alabama Supreme Court which states that supernumerary judges "are not continuing in office under Section 6.08 of Amendment 328, Constitution of Alabama 1901," (the Judicial Article). Although this provision would allow a supernumerary judge to practice law and removes him from the auspices of the Canons of Judicial Ethics, it does not extend so far as to allow a supernumerary judge or probate judge to hold another office while serving in a supernumerary position.

Relationship Between Circuit and
District Judges' Salaries

In an opinion dated July 28, 1980, the attorney general stated that Walker County must pay a supplemental salary to the district judges in order to maintain the relationship which existed between circuit court judges' salaries and inferior court judges' salaries on the last day that those inferior court positions existed, January 15, 1977. This requirement is, however, modified by the provisions of Act No. 79-826, which increased the circuit judges' salaries to \$34,000. The two questions posed and entire text of this opinion is printed here.

"I would like your opinion on the following matter: Code of Alabama Section 12-12-1(a) states that the District Court of Alabama is created and established effective January 16, 1977. Code of Alabama Section 12-12-1(c) states that all Courts that are not authorized by article 6 of the Constitution shall retain their power through January 15, 1977, at which time, they shall be abolished."

(Continued on Page 18)



ATTORNEY GENERAL OPINIONS

(Continued From Page 17)

"Code of Alabama Section 12-17-68 states that District Judges serving one county in those counties in which County Courts, General Session Courts, and other Courts of Inferior Jurisdiction exist on January 16, 1977 shall each receive a supplemental salary from the general fund of such county in an amount sufficient to maintain their total salaries at the same relationship which the salaries of said Courts of Inferior Jurisdiction bear on January 16, 1977 to the salary of Circuit Judges in their respective counties.

"The question is this: On January 15, 1977, the Inferior Court of Walker County and the Intermediate Court of Walker County were abolished. The District Court was the only Court of inferior jurisdiction which existed on January 16, 1977. Therefore, does Walker County have to pay a supplemental salary to the District Judges in order to maintain the relationship which existed between Circuit Court Judges' salary and District Court Judges' salary on January 16, 1977?"

In answer to your question, the Judicial Article took effect on January 16, 1977. At that time, district courts were created to replace the courts of inferior jurisdiction which were not authorized by Article 6 of the Alabama Constitution.

Section 12-17-68, Code of Alabama 1975 was enacted to establish the compensation of district judges. That section provides that, "district judges serving one county, in those counties in which county courts, general sessions courts and other courts of inferior jurisdiction, except municipal courts, exist on January 16, 1977, shall each receive a supplemental salary to maintain their total salaries at the same relationship which the salaries of the judges of said courts of inferior jurisdiction bear on January 16, 1977, to salaries of circuit judges in their respective counties."

The clear intent of Section 12-17-68 was to maintain the salaries of district judges at the same ratio to circuit judges as the salaries of the inferior court judges existed relative to salaries of circuit judges prior to the implementation of the Judicial Article. Otherwise, that provision of Section 12-17-68 would have no meaning.

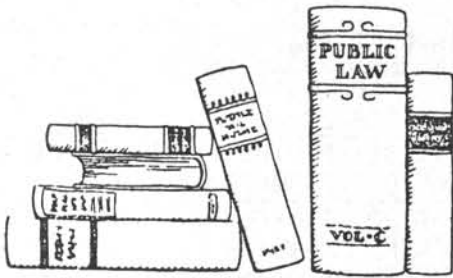
A similar provision was enacted for circuit clerks, Section 12-17-92, Code of Alabama 1975, for the express purpose of maintaining the same ratio between the clerks' salaries and circuit judges' salaries after the implementation of the Judicial Article as they existed prior to its implementation.

The primary difference between these sections is that there were no district judges prior to the implementation of the Judicial Article; while there were circuit clerks. The ratio of district judges' salaries to circuit judges' salaries had to be based on the salary of whatever inferior court judgeship existed in a given county prior to implementation.

Thus, it is my opinion that Section 12-17-68, Code of Alabama 1975, does require Walker County to pay a supplemental salary to the district judges in order to maintain the relationship which existed between circuit court judges' salaries and inferior court judges' salaries on the last day that those positions existed, January 15, 1977.

(Continued on Page 19)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 18)

This requirement is modified, however, by a recent enactment of the legislature raising salaries of circuit judges to \$34,000 (Acts 1979, No. 79-826; Codified as Section 12-17-30, Code of Alabama 1975). That section expressly excludes the application of the ratio requirements of Sections 12-17-68 and 12-17-92 from the raise received by circuit judges. Thus, the ratio must be maintained as it existed prior to the increase in the circuit judges' salaries under Act 79-826.

ALABAMA JUDICIAL INQUIRY COMMISSION: SYNOPSIS OF ADVISORY OPINIONS

SYNOPSIS 80-LXXXVIII--May a judge preside at the trial of criminal cases when the judge's brother or his brother's partner represents the defendant?

OPINION--No. Under Canon 3C a judge is disqualified from hearing any case in which an attorney related to him in the fourth degree of affinity or consanguinity or a member of the related attorney's firm represents a party to the proceeding. Opinion 79-LXIV.

SYNOPSIS 80-LXXXIX--May a judge preside at the trial of criminal cases in which his son acts as Assistant District Attorney?

OPINION--No. Under Canon 3C a judge is disqualified from hearing any case in which an attorney related to him in the fourth degree of affinity or consan-

quinity represents a party to the proceeding. Opinion 79-LXIV.

SYNOPSIS 80-LXC--Does the fact that a judge's son is associated with the office of the District Attorney for his circuit preclude the judge from presiding over the trial of any criminal case?

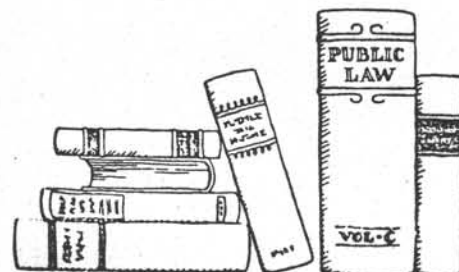
OPINION--No. Since an Assistant District Attorney, working in the office of the District Attorney, may have no conceivable financial interest in the outcome of the trial of a criminal case in which that specific Assistant District Attorney does not participate, the Assistant District Attorney's father is not automatically disqualified from sitting as judge in criminal cases.

MISCELLANEOUS LEGAL NOTES

Law Enforcement Records On Juveniles

Section 12-15-101, Code of Alabama 1975, provides, in part, that the juvenile courts shall, by rule, require all law enforcement agencies to take special precautions to ensure that law enforcement records and files on children will be maintained so as to protect against disclosure to any unauthorized person as defined in that section. In furtherance of this section, Rule 19, Alabama Rules of Juvenile Procedure, provides that the juvenile courts may adopt local rules to enforce the confidentiality of these records.

Local rules should first be forwarded to the administrative director of courts, who is then charged with forwarding the rules to the Supreme Court for approval. If there are juvenile courts with local rules, the Administrative Office of Courts asks that they be forwarded to this office so that it may comply with the provisions of this rule.





COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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