

SUMMER 1996

ALABAMA COURT NEWS



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Newsletter of the Unified Judicial System

A Tribute Joseph D. Phelps-1934-1996

by Judge Richard Holmes

There are many qualities a good judge should possess. Integrity, competency, scholarship, and compassion are certainly essential if one is to be said to be a good judge.

Judge Joseph D. Phelps was, to me, the epitome of a person possessing integrity, competency, scholarship, and compassion.

Joe died on Saturday, June 22, 1996. Joe was my friend and he was a friend to thousands of others. Unfortunately, I have been to many funerals but I have never attended a funeral of the size, warmth and sense of loss as Joe's.

Joe's friends "covered the waterfront of life." On the Saturday of his death, his family received a call from a former defendant whom Joe had sent to prison. He told Peggy, Joe's wife, that Joe got his "head straight" by sending him to prison. That same Saturday, the Governor of our state called to tell Peggy he would miss Joe.



Joseph D. Phelps

A friend has been defined as "one attached to another by affection or esteem." Joe Phelps was loved by persons from all walks of life. The affection for Joe was not limited by race, color or creed, and the esteem for him is boundless.

Webster's Dictionary defines a servant as "one who serves others." Joe was a devoted servant to his family, his church, his community and his State. His devotion and work for others is well recorded and documented.

I have no doubt that if you polled all trial judges and appellate judges of this state as to who was the best circuit judge they knew, Joe would win in a walk.

Though Judge Phelps was short of stature, the judiciary of this state has lost a giant. When all of us in the judiciary strive to improve -- a look at the life and works of Judge Phelps would be wise.

Henry Thoreau wrote over 100 years ago something that, to me, is appropriate as I think of my friend, Judge Joseph D. Phelps: "Even the death of a friend will inspire us as much as their lives. Their memories will be encrusted over with sublime and pleasing thoughts, as their monuments are overgrown with moss."

Judicial System Volunteers Needed From all Walks of Life



On the balcony of the Judicial Building, Chief Justice Perry O. Hooper Sr., left, commends volunteers, Doris and Melvin Esser, for their service to the Unified Judicial System.

by Rich Hobson

In the Micrographic Section of the Administrative Office of Courts (AOC) on Tuesdays and Wednesdays from 9 a.m. to 3 p.m., Melvin and Doris Esser are busily converting archival documents from a mountain of paper to microfilm. They take a 30-minute break and eat in the lunchroom located on the lobby floor overlooking the spillway and green grass of the courtyard.

Why do the Essers, a retired Air Force Family, give their time every week? The answer lies in their desire to give something back. The AOC, the Unified Judicial System (UJS) and the State of Alabama are fortunate to have such citizens giving their time, without complaint and full of enthusiasm and purpose in a job often taken for granted. The Essers came to the UJS through the Retired Senior Volunteer Program (R.S.V.P.) which is a national organization with offices throughout Alabama.

(See "Volunteers" next page)

("Volunteers" Continued)

Is the volunteer program limited to retired individuals?
No. A case in point can be found every Thursday afternoon when 16-year-old Naomi Smitherman reports for duty at AOC. Naomi, who in her spare time is a classical flutist, has never been employed but wanted to gain experience working in a professional environment.



Volunteer Naomi Smitherman spends the afternoon working in AOC's payroll section.

So, one afternoon a week, Naomi can be found lending a hand to the AOC. Giving back to the community. Making a difference as a citizen of Alabama. Using one's God-given talents to help those less fortunate. Gaining valuable experience. These are some of the reasons people express for giving their time and talents in volunteer service. The UJS will benefit from the volunteer movement as individuals contribute their time to the court system.

Volunteers may help provide needed relief for the circuit clerk's offices or in programs more directly involved with the public, such as victim-offender mediation and probation-related services. The AOC plans to make volunteers more of an integral component of the UJS -- like New Jersey, for example, which has a volunteer force 6,000 strong.

To encourage the use of volunteers, the UJS has adopted a volunteer policy for use system-wide. The policy explains the confidential nature of work performed in the judicial branch of government and makes 16 years of age the minimum age to volunteer. If you have comments or suggestions concerning the volunteer program, please contact Rich Hobson at (334) 242-0300 or (800) 392-8077.

Court Personnel May 1- July 15, 1996

APPOINTMENTS

- Ruby A. Jones** was appointed as circuit clerk in Lowndes County on July 13, 1996. Ms. Jones replaces Naomi Gibson-Pritchett.
- Mary Ann Karr** was appointed supernumerary court reporter on July 15, 1996. Ms. Karr worked as an official court reporter for Circuit Judge Lewis Hamner, 5th Judicial Circuit.
- Philip N. Lisenby** was appointed circuit judge to a new judgeship in the 6th Judicial Circuit on May 29, 1996.
- Stacy A. Long** was appointed official court reporter for

- Circuit Judge Donald W. Stewart, 16th Judicial Circuit, on June 17, 1996.
- Doyle Wayne May** was appointed supernumerary court reporter on June 15, 1996. Mr. May worked as an official court reporter for Circuit Judge Donald W. Stewart, 16th Judicial Circuit.
- Patricia C. White** was appointed supernumerary court reporter on June 30, 1996. Ms. White worked as an official court reporter for Circuit Judge Randall Thomas, 15th Judicial Circuit.
- Kathleen G. Whitten** was appointed official court reporter for Circuit Judge Joseph L. ... 23rd Judicial Circuit, on May 6, 1996.

RETIREMENTS

- Bennie E. Bates**, former judicial assistant to District Judge John Coggin, Cherokee County, retired on June 28, 1996.
- Circuit Judge Henry W. Blizzard**, 16th Judicial Circuit, retired on July 7, 1996. Judge Blizzard had served in the court system since June 1, 1978.
- Wanda J. Hodge**, former court specialist in the Cullman County circuit clerk's office, retired on July 31, 1996.
- Frances H. Rogers**, former court specialist in the Madison County circuit clerk's office, retired on June 7, 1996. Ms. Rogers had served in Circuit Clerk Billy Harbin's office since Aug. 7, 1989. She also served in the court system as the circuit clerk of Stone County from Jan. 18, 1977 to Jan. 16, 1989.

IN MEMORIAM

- Jo J. Cathey**, court specialist in the Madison County (Birmingham) circuit clerk's office, died on July 12, 1996. Ms. Cathey had served in the court system since Aug. 17, 1983. She is survived by her son.
- Preston Copeland Clayton**, former Alabama Supreme Court justice, died June 20, 1996. A native of Eufaula, Mr. Clayton was appointed to the Alabama Supreme Court in 1953 by Gov. Gordon Persons. He also served several terms in the Alabama Senate. He is survived by his wife, Jewel Gladys Clayton, and four children.
- Charles P. Heath**, magistrate in the Montgomery County circuit clerk's office, died on July 24, 1996. Mr. Heath had served in the court system since June 23, 1982. He is survived by his wife Patricia Heath.
- John E. Mandeville**, supernumerary clerk and register, died June 19, 1996. A lifelong Mobile resident, Mr. Mandeville also served in the Post Office Division during WWII and the Korean Conflict. He is survived by his wife, Mildred Edwards Mandeville, and daughter.

Delays: Thing of the Past

by Hunter Slaton & Peg Walker

"Delays in hearing civil actions in the Birmingham Division of the 10th Judicial Circuit (Jefferson County) are a thing of the past" said Wayne Thorn, presiding circuit judge.

"Six years ago, Jefferson County had the largest pending civil caseload in the state," said Judge Thorn. "We had 17,609 pending civil cases, with a case currency of 198 percent. This meant that under our old procedures it would have taken the court approximately two years just to dispose of the existing cases. In 1990, however, the civil division adopted a differential case management plan and implemented what is commonly referred to as the 'rocket docket.' With this plan and the help of a number of visiting judges, we were able to eliminate the civil backlog in just over one year," he said. "Today, we are committed to making sure that our dockets remain current."

Case statistics reflect this commitment. During the 12-month period ending May 31, 1996, the civil division judges reported a throughput of 113 percent,

...the civil division adopted a differential case management plan and implemented what is commonly referred to as the 'rocket docket.' With this plan and the help of a number of visiting judges, we were able to eliminate the civil backlog in just over one year.

of them has been re-arrested, disposing 9,953 cases -- 1,114 cases more than were filed. At the close of May, the court showed a case currency of only 76 percent, ranking sixth in the state, following the 13th (Mobile County - 64); 27th (Marshall County - 65); 37th (Lee County - 68); 40th (Clay and Coosa counties - 69); and 31st (Colbert County - 75). Pending cases have dropped from the 17,609 reported in 1989 to 7,565, down more than 10,000 cases.

The court continues to look for new ways to improve its operations and enhance the services it provides to the people of Jefferson County. Currently, the Birmingham Division is in the process of implementing a new automated juror panel management system that will replace the former process of physically drawing each juror's name from the civil or criminal jury box. "The new system not only ensures a random selection but allows us to strike twice as many juries in the same amount of time," said Judge Thorn. "We are convinced it will

reduce juror costs and help us to further improve our case management systems."

Judge Greenhaw Honors Probationers for Reaching Educational Goals

by Lynne Kitchens

"Illiteracy statistics are national, but illiteracy is a community problem—one that must be tackled at the state and local levels." Eugene C. Thomas, President American Bar Association, 1986

Judges and probation officers know that crime and lack of education often go hand in hand. The Education Alternative (TEA), a project of the Montgomery Literacy Council funded by the State Department of Education, began in the fall of 1993. Since the program's inception, nearly 700 referrals have been assessed and referred to local education providers or enrolled in the courthouse classroom program. Forty-five students have passed the G.E.D. test, and only one of them has been re-arrested.

On June 23, 1996, a special ceremony took place in the Montgomery County Courthouse, honoring student participants in TEA, a program designed to help probationers accomplish achievable educational goals. Circuit Judge Sarah M. Greenhaw, who planned the ceremony, passed out certificates of achievement to 36 students. In welcoming the students and their families, Judge Greenhaw observed, "You often hear negative things about the court system, but today we are here to celebrate something positive.... We are here to honor those who are working so hard to improve their education."

TEA Director Cynthia Hays, who has worked

(See "Greenhaw" page 4)

Regional Accounting Seminars



Mary Middleton, left, and Jayne Melton, right, Montgomery County court specialist bookkeepers, served as instructors during two of the Montgomery area seminars. They covered the daily and monthly close-outs as well as reconciliation of bank statements on the computer. If you missed a scheduled seminar there will be a make-up session September 24 at the Judicial Building in Montgomery.

("Greenhaw" Continued)

with this project from its inception, quoted Victor Hugo: "When you open a school door, you close a prison." She thanked the judges and probation officers for believing in and supporting TEA, and to the students, she observed, "You are our future and the future of our nation. You have a big responsibility."

Two students took the opportunity to tell how education had changed their lives. George Porter, who was kicked out of school as a senior, has seen prison twice. "The second time," he said, "I made up my mind I wasn't going to go that route." George now has his GED and is working on a career as a barber. Look for "Hair, by George!" to open soon in Montgomery. Cornettis McQueen told the audience that attending the TEA class for the past nine months had helped her change her way of thinking about life. "Today, I have a positive outlook," she says. "I hope that the choices I have made will be an inspiration to someone else."

Life on the Outside

by Robert "Shotgun" Giddens

Hello from life beyond stirrups. Well, I slept late again this morning and I'm still getting on the job of being retired. I had a big plan of doing exactly nothing, and I still go to work.

Sometimes I miss being Circuit Clerk of Clay County. The times I don't miss are the late night calls that go with being a warrant magistrate in a small county. When people got mad, they thought they knew what they wanted, and always wanted it right now. I do miss my association with all the good people of Clay County, the Clerk's association and all the nice people of AOC. I miss all the pleasant Judges I have associated with, and the grumpy ones . . . ! Hee.

I am sorry that I missed the conference in July. I know the Clerk's had a hard time having it without me--especially all the social activities. Hope to see you next July.

I guess that's all the news from retirement land, I think I'll take a nap!

Shotgun served as Circuit Clerk of Clay County January 1977 - January 1995. In his spare time, Shotgun sings in a Southern gospel group and a barbershop quartet. "Life on the Outside" is an on going column by retired U.S. Judge Giddens and employees.

Court Briefs

Dietz Carries Olympic Torch - A portion of Callie Dietz's commitment and dedication to community and public service was paid back to her this summer. Ms. Dietz, administrator of AOC's Judicial College, was one of 100 Americans chosen as Community Hero Torchbearers for the Torch Relay in the 1996 Summer Olympics.

Suttle Elected Chief Justice - Katie Suttle, daughter of Presiding Circuit Judge Michael Suttle of the Judicial Circuit, was elected Chief Justice at this year's state convention. She campaigned and was elected to the position, which is one of many activities involved in the week-long program sponsored by the American Legion Auxiliary to help outstanding young women the processes of government at the city, county and state levels. Miss Suttle is a senior at Florence High-School in Florence.

AMCCMA Holds 1996 Conference - The Alabama Municipal Court Clerks and Magistrate Association (AMCCMA) held their 7th Annual Conference June 6-8, 1996, in Huntsville. This year's conference theme was

(See "Court Briefs" page 5)

("Briefs" Continued)

"Reaching for the Stars" and conference topics ranged from Professionalism in the Workplace to Alabama's Ethics Law. A graduation ceremony was also held. Sixty-three court clerks and magistrates received certificates, which require 116 hours of education and three years of experience. Frank Gregory, Administrative Director of Courts, was the graduation speaker.

Direct Deposit Goal 100 % - Is your pay check getting to the bank on time? Absolutely, if you are using direct deposit. The Unified Judicial System payroll department's goal is to have every official and employee using the fastest and most reliable way to get your money to the bank - direct deposit.

Approximately 57% of Alabama Judicial System officials and employees are currently using direct deposit. If you would like to help reach our goal of 100 percent, contact AOC's personnel office at (800) 392-8077 or (334) 242-0300 to request a direct deposit sign-up form - remember to attach a voided check or deposit slip to the form when you return it to AOC.

Real Time Allows Judge to Communicate with Deaf Defendant - Two circuit judges in the 28th Judicial Circuit are participating in the evaluation of software to accomplish real time translation of the court reporter's notes during trials. Approximately six weeks ago the technology was used to communicate with a deaf and partially mute criminal defendant in Presiding Circuit Judge Charles Partin's courtroom.

The defendant, who was changing a not guilty plea to a guilty plea, did not know sign language and the court had no ability to communicate with the defendant other than to shout. Then Fay Curtis, court reporter, suggested using the computer. The defendant was seated in front of the table with a laptop. He would respond to the questions asked by the court as the software converted the reporter's keystrokes into English and displayed them on the laptop computer screen. Judge Partin said that, while it was time consuming, it assured a perfect record of the proceedings and the court had no doubt the defendant understood what was occurring.

Finally! An Affordable College Tuition - September is the open enrollment month for the Prepaid Affordable College Tuition (P.A.C.T.) program.

The Alabama P.A.C.T. program was established in 1989 by the Alabama Legislature to help you plan and save for your children's college education. Through P.A.C.T., you may purchase a contract for the payment of four years of future undergraduate tuition and mandatory fees at any of Alabama's public colleges and universities. To qualify for this year's contract rate, your application must be received in the office of the State Treasurer by Sept. 30, 1996.

Brochures and enrollment applications are available from Joe Matisak at (800) 392-8077.

Personnel Profile



Judge Sonny Ryan, center, is honored by Margaret Anne Cross, left, and Cynthia Roseberry, right.

by Sheila Wall

Judge William "Sonny" Ryan is a woodworker repairing furniture and building bookshelves in his spare time. As a juvenile judge, he professionally employs the tools of his trade to repair families and to help them build better futures.

Because of his 9 years of dedication to the children of Hale County, he was chosen as "Judge of the Year" by the Alabama Child Support Association. Judge Ryan was nominated by Cynthia Roseberry, Hale County DHR child support supervisor and Margaret Anne Cross, Hale County district attorney's office manager and chief clerk. In Mrs. Roseberry's nomination letter, she said that many times during court she has seen him stop proceedings to shake a child's hand. "He goes that extra mile to hopefully make a difference in that child's life," Mrs. Roseberry said.

Judge Ryan serves the youth of his district in a variety of ways. His most recent building project is a juvenile detention facility. The 30-bed full-service juvenile detention facility will be a short-term facility for juveniles up to 19 years old who have been charged with criminal offences.

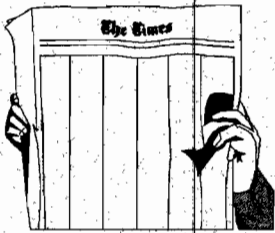
Also, as chairman of the Hale Empowerment and Revitalization Organization (HERO), he worked with local citizens to land a family resource center in Greensboro, the county seat.

HERO's goal is to improve the plight of the more than one-third of the county's residents who live in poverty. The family resource center, a result of HERO's efforts, offers counseling, legal services, adult basic education and life-skills training to strengthen the employability of residents.

When asked why he is involved in at least 20 councils and committees, he replied, "I feel it is my duty as a judge."

Judge Ryan is a valuable person to the Alabama Unified Judicial System not only for his service to the courts but for his service to children and their families.

If you would like to recommend an outstanding individual to be recognized in the personnel profile, please contact Sheila Wall at AOC.



Working with the Media From High Profile Cases to Day to Day Court Proceedings

by Sheila Wall

Portions of this article were compiled from several books on public relations and public relations in local government.

With the influx of news magazines, Court T.V. and CNN's Head-Line News, "every half hour on the hour," courts are being covered more than ever before. From the tedious to the titillating, the media bring the judicial system into the living room, sometimes in vivid detail, and make courts the topic of dinner conversation.

Among the high-profile cases that flashed big headlines on and off the screen were Michigan's Baby Jessica case, South Carolina's Susan Smith case, and last but not least, California's O.J. Simpson case. These cases produced tremendous public interest. In fact, the O.J. trial interrupted broadcast of play at 1995's Wimbledon Tennis Championships and viewers became more addicted to watching that trial than to their daytime dramas.

Alabama has not been and will not be left out of the intense media coverage of the courts. Justice in the public eye -- wherever the case, whatever the circumstance, there will always be public interest in the courts. The media constitute the most available link through which the courts can impart public information to the citizens.

How can the media and local courts work together? The answer begins with the decision to work with the media. This is not developed from an attitude of standoffishness or distrust or dislike, or all three. It requires only that those who do work on staff have a positive attitude toward the local media. Experience shows that good relations with the media stem, in a large part, from such positive attitudes.

Every court official and employee is a public relations ambassador for the courts. The handshake of the judge, the actions of the clerk, the attitude of every court official and employee -- all

Every Court official and employee is a public relations ambassador for the courts. The handshake of the judge, the actions of the clerk, the attitude of every court official and employee -- all establish relationships with the public that contribute positively or negatively to the sum total of public opinion about the courts.

establish relationships with the public that contribute positively or negatively to the sum total of public opinion about the courts. Abraham Lincoln said "Public sentiment is everything . . . With public sentiment nothing can fail. Without it, nothing can succeed. He who molds public sentiment goes deeper than he who executes statutes or pronounces decisions. He makes statutes or decisions possible or impossible to execute."

NEWS Do's & Don'ts

The following are basic steps toward better press relations and ultimately an improved perception of the courts.

Play it straight, honestly and truthfully. --
Always tell the truth.

If you are not authorized to impart certain information, admit it. Never answer with a no comment. Inform reporters that the topic does not fall within your area of responsibility and that you will have the appropriate person call them. If you are asked an esoteric question outside your own field that you cannot answer, admit it. However, assure reporters that you will be happy to get the requested information and, of course, do so.

News people are supposed to respect a confidence. -- Specify if the information is "off the record" -- information that is strictly confidential and not to appear in print.

Journalists will naturally respect confidences provided they understand the need for secrecy. The mutual confidence that exists between the news officer and the press representative will be the determining factor as to the success of such an approach. Remember, an "off the record" statement puts the journalist in an uncomfortable position of conflict between loyalty to you and the concept of the public's "right to know." If you do not want to see it in print or heard on the radio, do not say it.

The better approach is to specify if portions of the interview can be used as background information -- information used without a quoted source. Specify if you would like the information attributed -- such as a state official said, or your name and title.

Agreeing upon the format of the interview is important before it begins. If they do not agree upon it before the time, journalists may use their discretion.

Know the reporter's role. The role of reporters is to



reader, viewer or listener. Their sole purpose is to uncover what is going on in the public interest. Publicists know those attempts to suppress legitimate news in the public interest are highly unrealistic. Reporters denied the truth are put on their mettle to get it. Competitors, neighbors, disgruntled former employees, political adversaries, all are sources that they can tap. They nearly always distort the net result and much worse than it otherwise would have been.

Give prompt, thorough service when requested. -- When reporters telephone with a query, they need the answer quickly. If you cannot provide an answer, admit it, and if possible refer them to another source for the information. Reporters have mandatory deadlines.

Don't play favorites with information. -- Make sure you inform all media outlets about issues affecting their area.

Respect exclusives dug up by competitors. -- Don't betray reporters' confidence by telling a competitor about a story on which they are working.

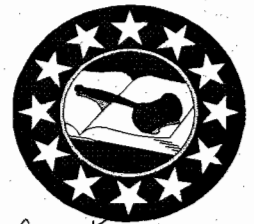
Prepare for an interview. -- Get an idea of the reporter's topic. This will allow you to write down some of your thoughts on the issue. Contact the public information office at AOC to assist you in your preparation. Provide background information on yourself, the project or event. If appropriate, line up in advance other elected officials or key staff members, who can speak intelligently on specific items.

Help photographers line up subjects, but don't interfere. Make sure the proper people are present for the photo and give them directions to the location of interest.

Don't question why a release or photo isn't used. -- Newspapers and magazines allot space for news articles and advertisements. The editor sometimes cuts stories because of more pressing news or limited space. Remember that editors are obligated only to their readers.

Communication can minimize distortion of a story. -- A frequent complaint about the news media is that "we can never seem to get our story across, and even when we do, the articles somehow lose their meaning when printed or broadcast." Whether that problem can be eliminated is doubtful, but it can be minimized through candor and communication. Communication can help to minimize distortion of a story if it is kept simple, and translates the message into everyday language for reporter and readers.

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line up
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Supernumerary

A Note From the ADC

A time for networking, a time for learning, a time for getting to know our colleagues -- judicial education conferences provide an opportunity for learning and sharing experiences.

This summer marks my 18th trip to these conferences; however, it is my first as the ADC. My present role gives me an opportunity to see the conferences as a whole. I can now appreciate the true importance of the officials and employees of the system getting together.

Congratulations to all the court officials and employees who received honors and certificates of achievement during these summer months.

I am proud of our judicial education program. It is a reflection of you in the system

who are striving to continually reequip yourselves for the judicial system and ultimately for each and every citizen of Alabama.

To provide these valuable conferences it is essential to have the necessary funding. During the next regular session of the legislature, please support the Judicial Education Trust Fund.

Let me know if I can assist you in any way.

**Thank you,
Frank Gregory**

Welcome!

Ruby Jones is the newly appointed circuit clerk of Lowndes County. Ms. Jones, a Gulf ^{WAR} Veteran, has been with the clerk's office for five years. Before coming to work for the courts, Ms. Jones was a supply specialist in the Alabama National Guard for seven years.

Alabama Court News is published quarterly by the Administrative Office of Courts. For more information

contact the news about Alabama courts and their programs, projects and personnel.

To contact the office, please contact the Wall at (800) 392-7777 or (334) 242-8800.

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