

COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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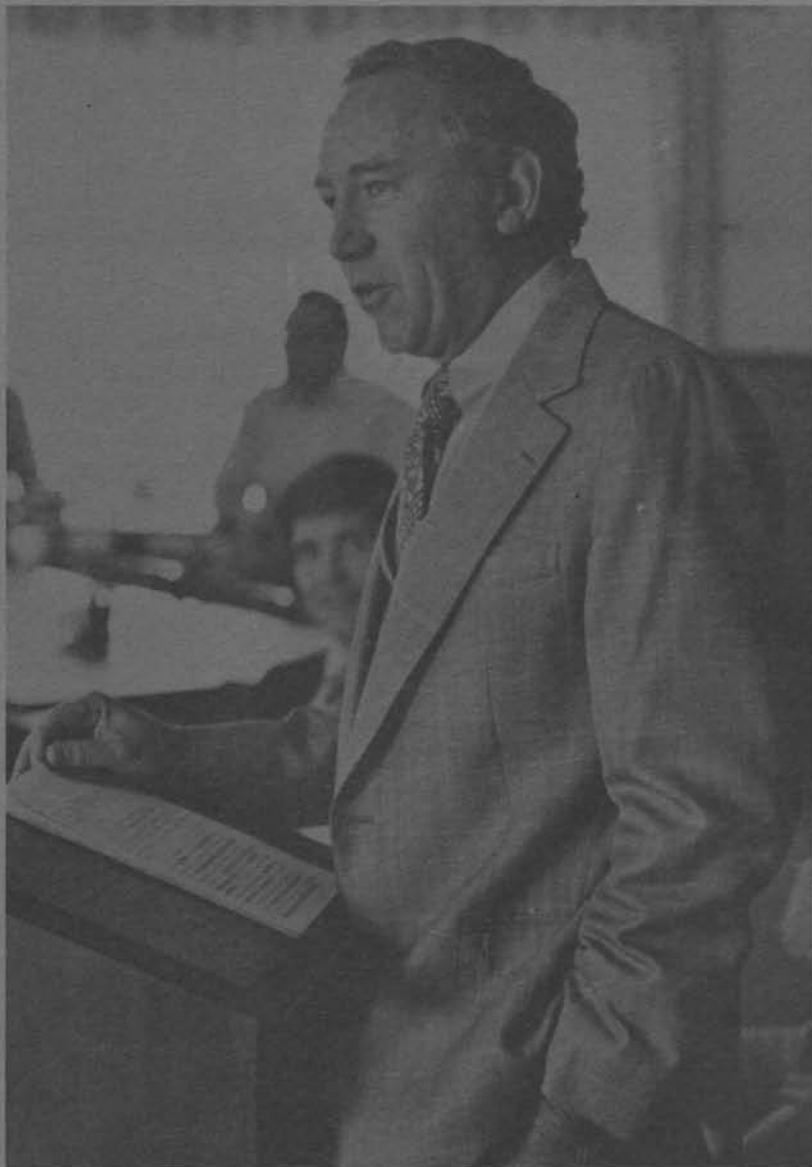
LEGISLATURE FUNDS UNIFIED
JUDICIAL SYSTEM: TORBERT
SAYS MOST BUDGET CUTS CAN
BE RESTORED WITHOUT DELAY

SUPPLEMENTAL FUNDING
REDUCED BUT ADEQUATE
IN MEETING REMAINDER
OF THIS YEAR'S NEEDS

The Alabama Legislature has fully funded the state's Unified Judicial System for fiscal year 1978-79 and provided the court system of the state with a supplemental appropriation adequate to meet the needs of the trial courts for the remainder of the current fiscal year.

State Chief Justice C. C. Torbert, Jr. called the action of the legislature "responsible" and said that because of this action most budget cuts in the trial courts can be immediately restored.

In approving the state's general fund budget on the final day of the 1978 regular session, the lawmakers approved the \$26.2 million dollar budget request for the Unified Judicial System and a supplemental appropriation of \$1.8 million for the trial courts for the remainder



CHIEF JUSTICE TORBERT PICTURED AS HE
SPOKE RECENTLY TO A BAY MINETTE CLUB
(Photo courtesy of Baldwin Times)

LEGISLATURE FUNDS UNIFIED JUDICIAL SYSTEM (Continued from Page 1)

of the current fiscal year. A half-million dollars of the appropriation for next year was made "conditional" which means that the absolute appropriation totals \$25.7 million. The "conditional" monies must be approved by the governor before they could be freed for use by the trial courts. The Administrative Office of Courts had requested a supplemental amount of \$2.8 million for the remainder of the current fiscal year. However, after careful consideration by the chief justice and the administrative office, it was determined that with an additional \$1.8 million the court system could adequately carry out its function for the remainder of the year. "There are two primary reasons we could agree to the million dollar cut," Torbert said. "The first is that better management practices have been instituted in the system and the second is that some expenditures could be deferred until next year provided that the courts would obtain the full 1978-79 budget request," he said.

"I am pleased that a cooperative spirit exists between the state's three branches of government and I firmly believe that this cooperation will enable the new unified court system to reach the potential it has to better serve the needs of the people of Alabama," Torbert said. He added that without the firm and dedicated support of all officials and personnel within the Unified Judicial System the goal of adequate and reasonable funding for the system might not be a reality today. "I am gratified for this support and I now think we can fully utilize the firm structure of the system to make further progress and improvement in the administration of justice in Alabama," he said.

Allen L. Tapley, administrative director of courts, said that work has immediately begun on restoring the budget cuts mandated last fall because of inadequate funding. Among the cuts to be restored are:

- + All merit salary increases due will be restored retroactively.
- + Slightly over half the funds cut from the personnel budget will be restored, enabling critical vacancies to be filled in court offices across the state. The administrative office is currently evaluating critical needs based on requests made by administrators and decisions are being made on filling vacancies and notification in regard to this will be forthcoming. These decisions are being made with serious consideration as to the impact on next year's budget.
- + Limited funding for court officials' out-of-state travel is being restored. Such travel will be approved on a case-by-case basis by the administrative director of courts. Out-of-state travel for the remainder of this fiscal year will be limited to court officials who have active or official roles in regional or national organizations or those officials who would

be representing the judicial system in an official capacity at law or judicial related conferences or meetings. No funds will be available for the remainder of this fiscal year for attendance at the National Judicial College. However, ALEPA grant funds for the 1978-79 fiscal year will be available to permit resumption on a limited basis of attendance at the National College.

- + Funds made available by this office for payment of membership dues in professional associations and organizations must be used for payment only in those associations and organizations dedicated to the improvement in the administration of justice and the enhancement of professional competency. Maximum reimbursement for dues and memberships annually are: circuit judges, \$200; district judges, \$150; circuit clerks and registers, \$100; court reporters, \$50. Bills must be submitted by Sept. 1.
- + Cuts in juror and witness expenses will be totally restored.
- + Full restoration of cuts in the system's training and educational program will permit funding of programs already planned. Additional programs will be planned to provide some critical training needs for magistrates, warrant clerks, and bookkeepers.
- + Funding allocated for office and record-keeping supplies will be fully restored.
- + Cuts in the trial court equipment budget can be restored.
- + Funding for law libraries and subscriptions will be restored. The administrative office closed out all accounts for books and subscriptions and re-subscribing will no doubt take some time. The AOC is currently working with the librarian of the Supreme Court and State Law Library in developing a standardized law library for judges. Survey forms are being developed and will be sent to judges to obtain a listing of library needs. Results of this survey will be compiled and analyzed to develop an adequate law library for judges.

SOME BILLS PASSED, SOME FAILED,
BUT IN GENERAL, THE LEGISLATIVE
SESSION WAS A SUCCESS FOR COURTS

generally be regarded as a success. Most of the legislation beneficial

As the second hand ticked past midnight on April 24, the 1978 regular session of the Alabama Legislature ended. Insofar as the state court system was concerned, the session can

LEGISLATIVE SESSION A SUCCESS FOR COURTS

(Continued from Page 3)

to the state judicial system was enacted into law and some which would have not been beneficial failed to pass. Following is a synopsis of bills of interest to court officials and employees and the legislative result:

REPORT OF THE JUDICIAL COMPENSATION COMMISSION - The legislature affirmed this report which had the effect of providing a two-and-a-half percent pay raise for circuit and district judges and raises for appellate judges ranging from seven to eleven percent. The report increases the state pay of circuit judges to \$27,500 and the state salary of district judges to \$24,750.

COST-OF-LIVING PAY INCREASE FOR ALL STATE EMPLOYEES - The Legislature enacted a seven-and-a-half percent pay boost for all state employees which will go into effect on October 1. This increase will benefit all judicial system employees.

LOCAL PURCHASING APPROVED - Senate Bill 35 by Sen. Bank provides for an easier and less cumbersome method for local officials to obtain supplies. This measure should remove any objections to the current method used by the AOC of supply purchasing and enable the AOC to respond to the needs of local officials in a more efficient manner.

CORPORATIONS IN SMALL CLAIMS COURTS - House Bill 378, which would have permitted corporations to file in the small claims courts without use of an attorney, died in committee.

NO JURY TRIALS IN DIVORCE CASES - House Bill 412 by Rep. Jack Smith, which would have provided for jury trials in divorce cases, died in committee.

CIRCUIT JUDGESHIP FOR 18TH JUDICIAL CIRCUIT - Senate Bill 554 by Sens. Proctor and Teague, which provides for another circuit judge for the 18th Judicial Circuit, passed.

NO UNLAWFUL DETAINER CASES IN SMALL CLAIMS COURTS - This measure, Senate Bill 244, died in committee.

PUBLISHING OF JUDGE'S SENTENCING RECORD DIES - This measure, Senate Bill 145, died in committee.

NEW JUDICIAL CIRCUIT CREATED - Senate Bill 182 by Sen. Albert McDonald, creating a 39th Judicial Circuit for the state and providing for a new circuit judge, passed with an effective date of June 1, 1978. This bill provides a separate judicial circuit for Limestone County.

NO REPEAL OF JUDICIAL ARTICLE - This measure, House Bill 243, which would have provided for a constitutional amendment to repeal the Judicial Article, died on the House Calendar. No action was ever taken by the full House on this measure.

NO CIRCUIT JUDGESHIP FOR 33RD JUDICIAL CIRCUIT - Although this bill received a favorable recommendation by the State Supreme Court, and would have added a circuit judge to the 33rd Judicial Circuit, it died on the House Calendar. It was House Bill 496 by Rep. Sasser of Ozark.

NEWSPAPERS STILL MUST BE FILED - House Bill 558 and its companion bill, Senate Bill 510, which would have eliminated the requirement that newspapers be subscribed to and filed in the clerk's office, failed to pass.

NO JUDGESHIP SWITCH FOR 10TH JUDICIAL CIRCUIT - Multiple bills were introduced in both houses to increase by one the number of circuit judgeships and decrease by one the number of district judgeships in the 10th Judicial Circuit. All of these bills, House Bills 741, 742 and Senate Bills 644, 645, failed to pass.

BILLS AFFECTING JUDICIAL SALARIES - Senate Bill 694 by Sen. Fine, which would have provided salary increases for all trial court judges, died in committee. Senate Bill 566 by Sen. Peden, which would have provided explicit language prohibiting judges from receiving cost-of-living salary adjustments, died in committee.

BILLS AFFECTING RETIREMENT - Senate Bill 760 by Sen. Baker, which would have put all state officials (elected or appointed) under the State Employees Retirement System and would have abolished the Judicial Retirement Fund for all future judges, failed to pass. Senate Bills 74, 75, 76, and 77, all by Sen. Baker, failed to pass. These bills affected judicial compensation and retirement. Senate Bills 483 and 484 by Sen. Albert McDonald, failed to pass. These bills would also have further regulated judicial retirement. House Bill 429 by Rep. Warren Moore, which would have put judges in the State Employees Retirement System and phased out the Judicial Retirement Fund, failed. Also, House Bill 430 by Rep. Moore, which would have required clerks and registers and court reporters to be members of the State Employees Retirement System, died.

PAYROLL DEDUCTION FOR CREDIT UNION FAILS - House Bill 48, which would have allowed payroll deduction of credit union deposits and payments, failed.

OPTIONAL ABSENTEE VOTING DUTIES PASSED - House Bill 173 by Rep. Venable was approved. This bill makes optional the performance by a clerk or register in handling absentee voting duties. In the event the clerk or register decides not to perform these duties, the circuit judge is authorized to appoint an "absentee election manager." If the clerk or register does supervise the absentee voting procedure, that clerk or register will be entitled to the statutory compensation for the rendering of these services. This bill passed in the original form and was unanimously endorsed by the Clerks and Registers Association.

CODE CORRECTIONS ENACTED - Both Senate Bill 35 and House Bill 217, the latter by Rep. Donald Holmes, passed. Both of these bills corrected the error in the new Code of Alabama, which placed payment

of jurors back on county governments. The bills returned this cost to the state. Senate Bill 35 also made other code corrections, including placing salary costs for bailiffs from the counties back to the state.

COUNTY LAW LIBRARY BILL FAILS - House Bill 232, which would have established county law libraries in each county and financed these libraries with additional court costs, did not pass. The companion bill in the Senate also did not pass.

EXEMPTIONS REMOVED FROM JURY SERVICE;
PROCEDURES IN ESTABLISHING A QUALIFIED
JURY BOX ALTERED; SYSTEM OF COUNTY
JURY COMMISSIONS REMAINS INTACT

Probably the most comprehensive legislation approved in the recent legislative session was House Bill 308 by Rep. White and substituted by Sen. St. John in the Senate.

The bill, in its original form, eliminated all exemptions for jury service in the state except for attorneys and judges. The substitute, which was adopted, revised the entire method of juror qualification and selection. The overall framework of this legislation provides for the creation of a master list to be used as a source for prospective jurors; a random selection method from this master list in order to set up a master jury box; a second random selection, this time from the master jury box to obtain names from which prospective jurors would be selected. The bill provides for qualifying and disqualifying prospective jurors by the use of a questionnaire mailed to those persons selected in the above-mentioned steps; and ultimately placing the names of those who are qualified into a trial court jury box for use by the courts. This bill does not change the system of jury commissioners, but does significantly alter the procedures which must be followed in establishing a qualified jury box. The bill makes the following changes: (1) In establishing a master list, the jury commission is required to use the lists of registered voters, licensed drivers and persons registering motor vehicles in the county. Other lists may be used as supplemental source lists. (2) The random selection procedures provided in the bill may be done by computer in those counties where such is feasible. (3) The qualifying procedure is accomplished through the use of a qualification questionnaire and those who are disqualified by the jury commission have a right to be notified of the jury commission's decision. (4) All statutory exemptions from jury duty have been eliminated. Excuses are to be heard by the court and those excused can be ordered to appear for jury duty at a later date. Although the task of refilling the jury boxes is one of significant proportions, the Administrative Office of Courts is optimistic that the job can be handled with the cooperation of court officials and personnel. The supplemental appropriation for the current fiscal year will aid in accomplishing this task. The AOC is currently looking into the possibility of providing each county with a list of the licensed drivers in that county. Presiding circuit judges and jury commissions are being urged to meet to review the legislation and determine needs in each county to carry out the mandates of the new law. The AOC will attempt, within its budget limitations, to meet any reasonable request for assistance in this task.

NEW CRIMINAL CASE HISTORY REPORTING SYSTEM INVOLVES MULTIPLE STATE AGENCIES



THE NEW CRIMINAL CASE HISTORY reporting system (discussed in a following article) has brought together several state agencies in an effort to provide services to the criminal justice community, of which the Unified Judicial System is a part. In the photo above, pictured from left to right, Ruffin W. Blaylock, director of the Alabama Criminal Justice Information Center (ACJIC), James Rowell, director of the Data Systems Management Division (DSMD) and Jan Shultz, information systems officer for the Administrative Office of Courts, discuss the new system. The Criminal Justice Information Center provides data services to all criminal justice agencies, and operates through Data Center #2, one of several computer facilities under the guidance of Rowell. The Data Systems Management Division under the Department of Finance, actually owns the computer hardware and provides for the computer operations. All computer support is billed back to the users on a pro-rata basis. Currently, the AOC is processing eight applications at the Data Center with a major system - the Criminal Case History system - under development. Operational systems for the AOC include: caseload reporting, expense and revenue accounting, personnel applications, including

NEW CRIMINAL CASE HISTORY SYSTEM (Continued from Page 6)

an applicant system and a personnel master file, property management system in which all judicial property with value in excess of \$100 is listed, and several others. Perhaps most important of all, though, is the criminal case history system. Chief Justice Torbert, Mr. Blaylock, and Mr. Rowell all state that they are pleased with the high degree of cooperation between the various agencies involved and feel that this new CCH is absolutely essential as it provides crucial management information regarding felony case flow for the courts and case disposition information for the ACJIC. The felony data provided by courts will be fed into the ACJIC computerized criminal history files which, in turn, will be sent to the National Crime Information Center (FBI) in Washington. The courts within the UJS will receive benefit from this process through the provision of criminal "RAP" sheets and summaries which should significantly reduce pre-sentence investigation delay time.

NEW CRIMINAL CASE REPORTING SYSTEM
NOW BEING READIED FOR IMPLEMENTATION

A new criminal case history (CCH) reporting system is to be implemented in the near future which

will provide detailed information on all felony cases in the Unified Judicial System. This data is essential and will be used to assess criminal case problems, keeping judges and court officials better informed, and thereby facilitating decision-making by the chief justice and the Administrative Office of Courts. Besides providing critical criminal caseload information for the AOC, some of this new data will be transferred to the Alabama Criminal Justice Information Center (ACJIC) for inclusion into the computerized criminal history files in compliance with Act 872, Acts of Alabama. The ACJIS will then use this information, along with data from other criminal justice agencies, to provide computerized "RAP" sheets and criminal summary data which will assist all justice agencies and link up with the National Crime Information Center (FBI) in Washington. This will be particularly beneficial to the courts as it should greatly reduce the time necessary for completing pre-sentence investigations and expedite the sentencing process.

Initial implementation of the CCH reporting system will begin June 1, 1978, in the following locations: 3rd Circuit, 15th Circuit, 12th Circuit, 20th Circuit, 22nd Circuit, 33rd Circuit, and the Birmingham Division of the 10th Circuit. This first region, with the exception of the Birmingham Division, was selected because it presents a broad cross section of circuit types ranging from small to large and urban to rural. The Birmingham Division was selected because of its large size and because the computerized data input method to be used there will be different from the data input method used in any other location.

Following implementation of the CCH reporting system in the first region, the AOC will evaluate the progress made and recommendations of the Region 1 participants, making any adjustments required before proceeding with statewide implementation on October 1, 1978. Changes should be minor as the CCH form and manual were pilot tested in Chilton, Autauga,

NEW CRIMINAL CASE REPORTING SYSTEM (Continued from Page 8)

and Montgomery Counties from September, 1977, through January, 1978. Recommendations made by the participating circuit and district clerks from this pilot area have already been incorporated into this new system.

A regional training session concerning the CCH system will be hosted by the Administrative Office of Courts in each region of the state with a minimum of two on-site training visits to each court location. Every effort is being taken to ensure a smooth implementation as the system will benefit the entire criminal justice community.

POSITION RECLASSIFICATION REQUESTS
SHOULD BE SUBMITTED

The Personnel Division has received a limited number of recommendations for reclassifi-

cation of positions as a result of the announcement in the March, 1978, Court News. Since the UJS classification plan has been in effect for only six months, it was expected that the number of reclassification actions would not be too great. However, since a cut-off date was not provided in the earlier announcement, it is now requested that a special effort be made by administrators, who may be planning to request reclassification of a position, to submit an updated "Position Classification Questionnaire" to the Personnel Division not later than May 12, 1978, along with a letter which highlights those changes in the job which are the basis for the recommendation. The reasons for this suspense date are that the money which may be allocated during the remainder of the fiscal year to reclassification is limited, and we would like to withhold any subsequent consideration of reclassifications until the next fiscal year. Although study of those questionnaires received to date is underway, we will withhold action on any approvals until after May 12, 1978, in order that those positions with significantly added duties and responsibilities may be given consideration at this time.

Salary increases resulting from the reclassification of a position to a class having a higher pay range shall be granted in accordance with the following policy: If the incumbent has been performing the duties that are the basis for reclassification or reallocation for three months or more in a completely satisfactory manner at the time the position is reallocated to a higher class, he or she may be given status in the new class, if his or her name is on either the open or promotional register as of the date of reallocating of the position; or when his or her name appears on either the open or promotion register for the class.

MERIT RAISES MAY NOW BE
RECOMMENDED BY ADMINISTRATORS

Court support employees may now be recommended for merit salary increases. In recent weeks,

employee performance evaluation forms have been forwarded to administrators on those employees who are currently due for consideration for raises, as well as those who are past due because of the postponement of the merit

MERIT RAISES MAY NOW BE RECOMMENDED (Continued from Page 9)

raise program. It will be necessary for the qualifying performance evaluation forms on these employees to be on file in the Personnel Division before raises will be effected. In this regard, a rating of "above average" is necessary to qualify an employee for a probationary raise, and an "average" rating is required to support an annual raise. The actual recommendation for a raise will be submitted on a Personnel Action (PA) Form 26, prepared in accordance with Chapter III of the UJS Personnel Procedures Manual. The Personnel Division will forward the necessary PA forms as an enclosure to a Personnel Form 49, "Merit Salary Advancement Consideration Record." Form 49 is intended to document the fact that all employees are considered for merit raises in order to comply with the merit system law which requires that all employees be considered for merit raises. Please note that these raises are not automatic. The only guarantee to the employee is that he shall be considered for a merit raise.

PLACEMENT OF PRELIMINARY HEARING
DOCKET FEES ON THE DISTRICT CRIMINAL
TRANSMITTAL SHEET

The Administrative Office of Courts has received several questions concerning the placement of the ten dollar (\$10.00)

docket fee for preliminary hearings on the district criminal transmittal sheet. Since a preliminary hearing is a criminal fee, it will not be collected until the conclusion of the case. Since the conclusion of the case will occur in the circuit court, there has been a problem concerning the collection of the ten dollar (\$10.00) hearing fee in the circuit court. Several clerks have asked if the money should be transferred from the cash sheet of the circuit criminal account to the cash sheet of the district criminal account in order to be placed on the district criminal transmittal sheet. It is not necessary for any transfer of this type to be carried out. After the preliminary hearing has been completed, the ten dollar (\$10.00) docket fee is placed on the cost bill that will go with the case to the circuit court. At the end of the month when transmittal sheets are prepared, any ten dollar (\$10.00) docket fee collected in circuit court for preliminary hearings should be included under number 8, which is "Lower Court Costs" under Part C, which is blank. Clerks can write in preliminary hearings with the ten dollar (\$10.00) docket fee in the amount column. The only time that the preliminary hearing would be used on the district criminal transmittal sheet would be an occurrence where a defendant decided to plead guilty after a preliminary hearing. In this case, collect the ten dollar (\$10.00) preliminary hearing fee as well as the felony guilty fee if it was a felony case.

MUNICIPAL JUDGES CONFERENCE
SCHEDULED FOR MOBILE

On May 13-14, the Annual Municipal Judges Conference will be held in the Mobile Municipal Auditorium in

conjunction with the Annual Conference of the League of Municipalities. The AOC, beginning with Chief Justice Torbert, will participate in each session concentrating on many aspects of Act 1205, that are related

MUNICIPAL JUDGES CONFERENCE (Continued from Page 10)

to municipal courts. Among the subjects to be addressed by the staff of AOC include:

- * Functions of the Administrative Office of Courts
- * Magistrates - Warrant Issuance
- * UTC Control Procedures
- * New Criminal Code

Other subjects will be addressed that will hopefully assist municipal courts in complying with the new procedures and requirements set forth in the Act.

AOC has also established a Traffic Court Advisory Committee to address problems that may arise from municipal/district courts related to traffic. The first meeting was held on March 30, 1978, and minutes of that meeting will be discussed at the conference.

All municipal judges are encouraged to attend the Municipal Judges Conference. Each judge will receive a questionnaire relating to some of the problems discussed by the advisory committee. It will be mailed prior to the conference or handed out during the first session and will serve as a vehicle for each judge to express problems and recommendations to the AOC on how it can be of assistance.

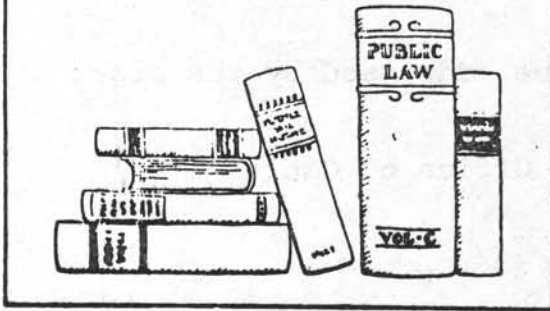
The registration fee will be reimbursed through a grant funded by the Office of Highway and Traffic Safety.

**NEW GRAND JURY BOOK DISTRIBUTED
TO FIVE COUNTIES**

The Records Management Division
has coordinated efforts with
several clerks to develop a new

format for a grand jury book. An initial order of the new book has been procured and distributed to five counties--Montgomery, Madison, Lauderdale, Chilton, and Houston--for a pilot test and analysis. The size of the new book has been cut down to about half the size and weight of the traditional grand jury book. It should be easier to handle but still durable due to a heavy-duty binding and cover. The analysis that went into designing the pages in this book took into consideration the information that had previously been called for on grand jury books. Spaces are provided for the optimum number of witnesses which are called in 90 percent of grand jury cases throughout the state. Other factors which are designed into the book make it easy to complete and use. Based on the results of the pilot project, a standardized grand jury docket will be introduced statewide. Cost savings will amount to about 50 percent of costs for the "old" books.

LEGAL NOTES



Attorney General Opinions of Note
During the past several weeks, the attorney general's office has issued a number of opinions which have significance to the operations of the state courts.

In an opinion dated March 16, 1978, the attorney general determined that when a city elects to come within the district court system and abolishes its municipal court, the city nonetheless continues to be obligated to pay for the feeding of the city's inmates imprisoned

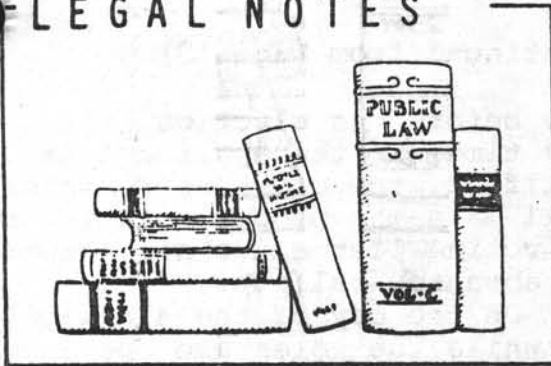
in the county jail by the district court. Additionally, the attorney general determined that this cost could not be added to the court costs levied in city cases tried in the district court on the basis that such a practice would violate Code of Alabama 1975, Section 12-19-30, which provides for uniform court fees in civil and criminal cases.

The attorney general's office also determined that the clerk of the district court is not authorized to collect a \$10 district attorney's fee in cases involving any violation of the provisions of the Alabama game and fish laws. Because of the statewide application of this opinion, it is reproduced below.

QUESTION: "Is the Clerk of the District Court of Cherokee County authorized to collect a \$10.00 district attorney's fee in cases involving any violation of the provisions of the Alabama game and fish laws as part of the docket fees under the provisions of Article 16, Section 126 of Act 1205, Acts of Alabama, Regular Session 1975 (not codified in the Code of Alabama 1975, Section 12-19-178)?"

ANSWER: "The district attorney or his assistant of any county in which any violation of the provisions of the game and fish laws or the rules and regulations set out therein shall have occurred, shall appear on behalf of the state and prosecute the offender. No district attorney's fee shall be taxed against the defendant in any district court. (Acts 1935, No. 240, p. 632; Code 1940, T. 8, Section 50; Acts 1945, No. 449, p. 687.)" "Code of Alabama 1975 went into effect on October 31, 1977. It is my opinion that Section 9-11-7, supra, was effective as of October 31, 1977. See Act No. 20, Acts of Alabama, Regular Session 1977. As Section 9-11-7, supra, and Section 12-19-178, supra, are in obvious conflict, it is my opinion that Section 12-19-178, supra, must be construed as not applying to misdemeanor cases involving violations of the game and fish law. Therefore, the clerk of the District Court

LEGAL NOTES



(Continued from Page 12)

of Cherokee County is not authorized to collect a ten dollar district attorney's fee in cases involving violations of the Alabama game and fish laws."

BY: Patrick L. Robinson
Assistant Attorney General

In effect, this lowers the docket fee in misdemeanor conservation cases in district court to \$27.00. Distribution of this money is to be handled as usual except the district attorney's fee will not be transmitted.

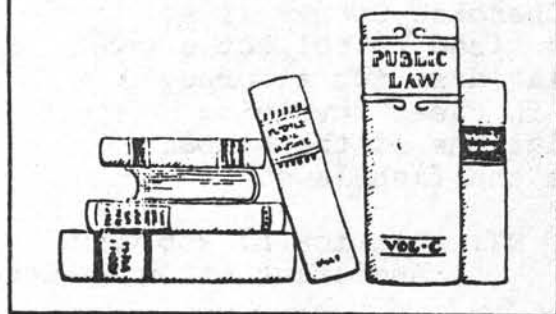
In a series of opinions released during the first week in April, the attorney general's office determined that circuit clerks and registers; magistrates; and supernumerary justices, judges, clerk, registers, district attorneys, and court reporters are entitled to receive the cost-of-living increase authorized by Act No. 601, Acts of Alabama 1977.

In an opinion dated March 27, 1978, the attorney general's office determined that the deletion in the Code of Alabama 1975 of provisions requiring a jury to fix the punishment in robbery and rape cases leaves the fixing of punishment in these cases to the trial court.

Reciprocal Non-Support Cases to be Tried in Juvenile Court -
Code of Alabama 1975, Section 30-4-81(4) provides that the juvenile court is the court which shall exercise jurisdiction over reciprocal non-support cases. This provision differs from old Title 34, Section 106 which defined the court as the circuit court. This change in jurisdiction came about upon adoption of the 1975 Code.

Absentee Voting - There has been expressed some confusion as to the time frames under which the clerk or register operates when handling absentee ballots. Statutory provisions governing absentee voting can be found in Code of Alabama 1975, Section 17-10-1 through 17-10-20. Any qualified voter may make application to vote an absentee ballot. This application, which shall be filed with the clerk or register, must be in writing and submitted not more than 60 days nor less than 5 days prior to the election. Upon receipt of the application for an absentee ballot, the clerk or register shall determine if the applicant's name is on the list of qualified voters and, if so, shall furnish the applicant with an absentee ballot. The clerk or register shall be provided with a supply of absentee ballots and the office list of qualified voters at least 21

LEGAL NOTES



(Continued from Page 13)

days before the election. At this time, if the applicant is qualified, the clerk or register shall make the proper notation on the voting list and shall forward the absentee ballot.

On the day of the election, and while the poles are open, the clerk or register shall deliver the absentee ballots to the election officials.

In summary, although applications may be accepted 60 days prior to the election, the actual determination as to whether or not the applicant is a qualified voter and the forwarding of the absentee ballot cannot be completed until such time as the clerk or register has received the voter list and the absentee ballots. In this election year, we strongly urge you to become familiar with the provisions governing absentee voting.

Policy on Informer's Fee in Conservation Cases - A recent understanding between the Department of Conservation and the Administrative Office of Courts has led to the following method of handling informer's fee in conservation cases, as stated in a letter from the Department of Conservation:

"In regard to the collection and remission of conservation arrest fees, the clerks of the court should remit all fines, forfeitures and costs to the Department of Conservation and Natural Resources. Any payments made to deputy conservation officers should be made by this Department. Please instruct the courts to follow this procedure. Any request for payment should be submitted to this office. The courts will only be asked to verify that the arrest was made.

This policy is consistent with Rule 4(h), Alabama Rules of Judicial Administration, in that the clerk shall remit all fines, forfeitures and costs to the official designated to receive such at the state level. Informer fees will no longer be payable to the deputy conservation officer by the local court. At a future time, a procedure to verify arrests will be developed.

**CHIEF ACCOUNTANT EMPLOYED
FOR AOC FISCAL DEPARTMENT**

Administrative Director of Courts Allen L. Tapley announced that Oliver Gilmore, has been employed as chief accountant in the fiscal office of the Administrative Office of Courts. Gilmore is a native of Langdale, Alabama and is currently employed as a corporate tax accountant with WestPoint Pepperell, Inc. According to Bob Tillman, assistant director/fiscal, Gilmore will have the primary responsibility of the operation of the Unified Judicial System's expense accounting system.

**PARRAMORE NAMED
PERSONNEL OFFICER**

William W. "Woody" Parramore has been named personnel officer for the Unified Judicial System according to Administrative Director of Courts Allen L. Tapley. A veteran of 31 years in the U. S. Air Force, Parramore attained the rank of colonel and for the last four years of his air force career, was vice commandant of the Air Command & Staff College at Maxwell Air Force Base. He later served four years in the personnel section of the Mental Health Department and has been at the Administrative Office of Courts, working in the personnel area for the past year. During recent months he has assisted William Campbell, assistant director for trial court management, in handling the personnel affairs of the Unified Judicial System. Parramore and his wife, Gene, have two children, Woody, who is in the Air Force and Donna, a student.

**SAM MCCLURKIN RESIGNS
TO ACCEPT POSITION**

Sam McClurkin, director of the Court Referral Programs sponsored by the Administrative Office of Courts, has resigned effective May 5, to accept a position outside the state judicial system. McClurkin, who attained the rank of colonel in the U. S. Air Force, once served as commander of Craig Air Force Base at Selma. For the past several years he has worked in establishing the statewide network of DWI and Defensive Driving Schools under the Court Referral Program for traffic court judges. Administrative Director of Courts Allen L. Tapley commended McClurkin's work in establishing these programs. "We appreciate his valuable contribution to the court system of Alabama and we know that his efforts will be missed," Tapley said.

**FLOYD ENFINGER RESIGNS
TO ACCEPT POSITION**

Floyd Enfinger, staff attorney for the Administrative Office of Courts, has resigned to accept a position outside the state judicial system. Enfinger has been employed by the administrative office for the past year-and-a-half. He has edited the publication Bench Notes, a periodical synopsis of appellate court decisions for state judges. During the past legislative session, he worked as the liaison for the Unified Judicial System with the House of Representatives. "Floyd has made an outstanding contribution for the court system and we will miss his efforts on behalf of the system," Allen L. Tapley, administrative director of courts, said.

IF YOU HAVE INFORMATION, NEWS;
SEND IT IN SO WE CAN SHARE IT

Are you planning a speech,
going to a convention, make-
ing a promotion, gotten an

award, lost your cat....whatever? Let us know about it so we can share it with the other judicial system officials. Court News is normally published during the third week of each month and items for publication are needed by the 15th every month. The newsletter is distributed to all court employes and officials, many officials in the other branches of government and to all state chief justices and state court administrators. So send us news.

NEWS
CLIPS
FROM
THE
STATE
PRESS

New Post Keeps Baker Hopping, But He Likes It

BY DEBBIE PRICE

The first few weeks as Lee County District Judge have been busy ones for Noel Baker. He has been working continuously, adjusting to his new office and learning his duties. He also has started putting into action some of his plans.

Baker took office on Feb. 28 after being appointed to the judgeship by Gov. George Wallace. His responsibilities include juvenile, small claims, and misdemeanor courts and civil court for claims up to \$5,000.

One of the first things begun by Baker was clearing the court dockets—bringing them up to date. The first docket he tackled was for the misdemeanor, or traffic, court which is held the first and third Monday of each month. March 6 was his first day to preside over the District Court proceedings.

"This is probably one of my roughest duties," said Baker. "It takes in all the misdemeanor cases. Cases from the Sheriff's office usually take up most of the morning and the cases from the State Troopers are scheduled during the afternoon. It takes a full day to go through the docket ... sometimes longer."

"One of these days — if we get another courtroom — we could do away with these long dockets. We would be able to schedule the Sheriff's Department cases for the first and third Mondays and the Trooper cases for the second and fourth Mondays."

Baker said in the proposed plans for a new courthouse, a second courtroom was included and that he would soon be looking over these plans to see if they would be adequate for District Court.

"Right now there is no other room, besides the big courtroom, that's large enough to hold court in except for the hallway — and that's not very conducive to justice."

"But there's no where to go, so we'll just make do as things are now until plans get rolling."

The docket for the civil division of

District Court is also being updated, according to Baker.

"Some of the cases on the civil docket are quite old ... maybe as much as four or five years," he commented. "On March 22 we are going to clear the docket of as many cases as we can. We're going to call all the cases, and I'll be asking the attorneys where the case stands at that time."

Baker said the civil docket was not as long as he had thought he would be after scheduling all civil cases for March 22.

"The docket is 13 pages long," he said. "But after we find where all the cases stand, we'll start using every Wednesday morning to clear contested small claims cases."

"Baker has found he is having to learn many new things about the juvenile court as he begins his duties with it."

"There are a number of facets to the juvenile court many people do not realize," said Baker. "The juvenile laws and courts are changing so much these days. At one time I was familiar with its workings, but I've found there are some things I was not abreast of."

As part of his duties of presiding over the juvenile court, Baker is on the boards of the Lee County Youth Development Center, commonly known as Kings Acres, and the Lee County Council for Neglected and Dependent Children.

Baker commented that he is impressed with the programs of the two groups. The juvenile judge has the power to refer adolescents to these programs if he thinks it best.

In the Lee County Juvenile Court there have been 175 actual court hearings since Oct. 1. The court's probation officers currently have some 52 cases under supervision.

"In the juvenile court you spend a lot of time dealing with the child and his or her parents," said Baker.

Even with all the work and adjusting to new duties and terms, Baker still has a definite enthusiasm about his judgeship and it will take much more than hard work and new situations to dampen that.

OPELIKA-AUBURN DAILY NEWS

Local Gentry



BY DWIGHT T. GENTRY

There's no doubt about it. The folks in Circuit Court Monday demonstrated how to cut a criminal docket down to size. They whittled over 30 cases from the docket in about six hours.

The jurors must have felt left out, however.

They were seated in the Courtroom for much of the day if one of the defendants asked for a trial. No one did.

It's kind of hard to explain, but they had no little influence to get many of these persons to plead guilty.

That's not to imply the court turned into an all guilty session because some charges here and there were dismissed.

Judge Bill Winston got a new experience.

Judge Winston is the fellow named to be our District Judge about two months ago and he has been doing an able job since he took office.

But he was called by Circuit Judge Cletus Junkin to hear a case and act as circuit judge. Judge Winston stepped in and court continued.

Judge Junkin has the power to assign a district court to act as a circuit judge. District Judge David Easlen of Fayette has been tagged to handle a civil case in Lamar County Circuit Court.

But it was a first for Judge Winston.

THE LAMAR LEADER

Small Claims Court continues successful

By MAE STREIT
(Special Editor)

Franklin Countians continue to use the Small Claims Court as more learn the service is available in collecting small debts without the necessity of an attorney and customary trial procedure.

Circuit Clerk Joe Newton says the Small Claims Court program is "real successful" since it was implemented Jan. 18, 1977.

As of March 1, 703 cases had been filed with 584 disposed of. The figures show the interest as well as the success in the 16

months since the court grew out of the new judiciary system in the state.

Statewide, the Small Claims Courts in all coun-

ties at the end of the 1977 calendar year showed that 64,109 cases were filed with 36,715 disposed of. The counties other than Franklin also laud the success of the court in their respective counties.

The court gives ordinary citizens a legal way to settle claims under \$500 without benefit of an attorney, if the individuals so choose. Newton reminds,

Clerk Newton further explains that forms for filing a suit in the Small Claims Court have been simplified and he and his

staff assist the public in filing claims and instructing the plaintiff on presenting evidence.

When a case comes up for trial, most of the time, only the two parties involved, the clerk and judge are present. The atmosphere is informal with both parties involved shown the same courtesy.

Individuals as well as businesses having small claims that they have

been unable to collect may use the court for only a \$10 court cost fee and if the debt is collected, the

plaintiff's \$10 cost is paid by the defendant.

Newton points out that

many claims are collected that in the past would have been written off since collecting through the process of regular court would have cost more than the claim was worth.

RED BAY NEWS

NEWS
CLIPS
FROM
THE
STATE
PRESS

Unified court system 'working well'

Editor's Note: (This is the first of a series of articles about Alabama's new court system)

By Debbie Breland

Last year a drastic change occurred in Alabama's court system.

The "New Judicial Article" in Alabama's constitution creates a system for "delivering justice to the citizens of the state which is 'second to none and which will operate at a cost well within what can be considered reasonable,'" said Chief Justice C.C. Torbert, Jr., in an address to the legislature in January.

Torbert cited among the improvements in the state courts were the reductions in the backlog of criminal and civil cases, improvements in jury management, the new Small Claims Courts, and reduction of about 10,000 forms, which had clogged the system in a sea of paper, to about 300.

"One of the most important things the amendment did," said Guntersville City Attorney Charles E. Ogden, "was that it made uniform throughout the state the courts in each circuit."

"Before the New Judicial Article, we didn't know from county to county what kind of cases were covered by which court."

E.C. "Sonny" Hornsby, president of the Alabama State Bar, said in an address to the legislature in January that "In the past, the major portion of the cost (of providing judicial services) was born by the counties and the counties got the big share of the court-generated revenues."

"Now, nearly all the costs are the responsibility of the state with the majority of the revenue going to the state General Fund."

Atty. Ogden said that

one of the shortcomings of the amendment was that the new court system was not sufficiently funded by the Alabama legislature. He noted that the circuit clerk has more work to do under the new system without having sufficient funds from the state to hire additional personnel.

Circuit Clerk Jean Scott said they have obtained federal funds through the Law Enforcement Planning Agency to hire additional personnel.

Although Ogden and Scott agreed that the new court system is a vast improvement over the old system, Scott expressed dissatisfaction over the fact that, under the new system, the clerk's office is responsible for the issuance of warrants.

"Even though we do have additional personnel," said Scott, "I have expressed to the Administrative Office of Courts that the issuance of warrants is not a proper duty for the clerk's office."

"One must have knowledge of criminal

law, and one must be able to determine whether or not there has been probable cause before a warrant can be issued."

"Our employees (in the clerk's office) have no legal training whatsoever, and the issuance of warrants should be under the direction of more legally qualified people," said Scott.

Hornsby said that "overall, it is going to cost slightly more to operate the new system. Improvements in services to the people cannot be accomplished without cost."

But the counties are saving thousands of dollars through the new court system—the state is footing the bill.

Chief Justice Torbert said that the state's new unified court system is "strong and working well."

The new Small Claims Courts, which allow citizens to collect debts and settle controversies in matters involving \$500 or less without the necessity of hiring a lawyer, is a "Great Savior in disguise," said Atty. Ogden.

Judge nearly lost his bench

MONTGOMERY, Ala. (AP) — Ralph Cook, Jefferson County's only black judge, almost lost his district judgeship through an error in legislation bill introduced by state Rep. Bob Gafford of Birmingham.

The error was caught Wednesday by members of the Jefferson County legislative delegation. And after the delegation voiced concern, Gafford explained it was all a mistake which he intends to correct.

Gafford had introduced a pair of bills aimed at providing a circuit judgeship for another district judge, Wadell Zanaty, who has been acting as a family court judge.

One bill would abolish Jefferson County District Judge No. 12, currently held by Cook, at the end of the current term, if no vacancies occur beforehand.

The other bill would create a new circuit judgeship to which Zanaty could be appointed.

DECATUR DAILY

C of C hears Judge Paul

District Judge Billy Max Paul met recently with merchant members of the Jackson Chamber of Commerce. Judge Paul spoke to a group of approximately 20 merchants at Alabama Power Co. Auditorium concerning the Small Claims Court. He told the procedure to follow when taking someone to court and also of many problems that arise.

There were a number of questions following his talk. The session was the second in a series planned by the Retail Merchants Committee of the Chamber of Commerce to better inform merchants on how to cope with the many problems in the retail business community.

THE SOUTH ALABAMIAN

THE SAND MOUNTAIN REPORTER

Fill A Jury Box With Push Of Button?

Why are some people in Lee County called to sit on juries time and time again while others are never asked to serve?

A member of the Pilot Club of Opelika asked the Chief Justice of the Alabama Supreme Court and hometown neighbor, C.C. "Bo" Torbert, that simple question at the club's dinner meeting last week.

Some reforms in the jury box are being tried in Lee County, he answered. Using voters' lists and city directories for names can enlarge the cross-section of citizens in that box. In Montgomery a pilot program is trying to accommodate jurors by offering parking places, explanations of the system, and a codephone number a juror can call after 5

p.m. to find out by recorded message whether he will be needed the next day.

But the simplest answer might be within reach of a button and \$5,000. Virtually everyone has a driver's license, Torbert said, and it includes sufficient information to go in a jury box. The computer system at the Criminal Justice Information Center in Alabama could program the name and a fairly accurate address of everyone in Lee County between the ages of 19-65 eligible to serve on juries, but the department would want to charge about \$5,000 to get the information. "Anything you do costs money, and that's what we're short of right now," said Torbert.

OPELIKA-AUBURN NEWS

SCHEDULE OF MEETINGS - MAY, 1978 - SEPTEMBER, 1978

<u>MEETING</u>	<u>DATE</u>	<u>LOCATION</u>	<u>Spon- sor</u>	<u>Reim- burse</u>
Criminal Code Seminar	May 4-5	Gov. House Inn Montgomery	CLE	No
UJS Steering Committees	May 5	Holiday Inn Prattville	AOC	Yes
Regional Criminal Case History Training Session	May 12	Holiday Inn Troy	AOC	Yes
Young Lawyers Seminar	May 12-13	Gulf Shores	CLE	No
Appellate Law Clerks Seminar	May 29	Judicial Building Montgomery	App. Cts.	Yes
Clerks & Registers Annual Conference	June 7-10	Point Aquarius, Alpine	AOC	Yes
Circuit & District Judges Annual Conference	July 19-20	Sheraton Inn Mobile	AOC	Yes
Circuit Judges Secretaries Conference	July 19-20	Mobile	AOC	Yes
Ala. Shorthand Reporters Association Annual Meeting	July 20-21	Callaway Gardens, Pine Mountain, Ga.	ASRA	No
Ala. State Bar Association Annual Meeting	July 20-22	Admiral Semmes Mobile	ABA	No
Appellate Judges Conference	Aug. 24-25	Lake Guntersville State Park, G'ville	App. Cts.	Yes
Juvenile Court Judges Conf.	Sept. 21-22	Hilton Inn Birmingham	AOC	Yes



COURT NEWS

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