

COURT NEWS

Newsletter of the Alabama Judicial System

April, 1985

Local Participation Reported For Law And Court Observance Week

Mock trials, courthouse tours, essay contests, and many other activities are being held in conjunction with Law and Court Observance Week, April 29-May 3.

The observance is being jointly sponsored by the court system and the Alabama State Bar Association.

"We commend the judges, attorneys, and court personnel who are participating in these projects. It is important for people to learn more about their judicial system and how it functions," said Chief Justice C. C. "Bo" Torbert, Jr.

"The 1985 theme is 'Liberty and Justice for All.' We want to do as much as possible to make it more than just a slogan," Torbert said.

State Bar president Walter Byars said he is "pleased with the activities that are being held, but our goal is to achieve even greater participation in the future."

"Our nation is founded on respect for the law, but before there can be respect there must be understanding and that is what we are trying to foster," Byars said.

Following is a county-by-county summary of Law and Court Observance Week activities which have been reported to *Court News*:

Butler

Butler County students will be given an inside look into the legal process and will meet the people in city, county and state government who operate the system, according to District Judge Joe Poole, Law Day Chairman.

Members of the legal community will conduct a day-long program of panel discussions, presentations, and guest speakers.

Calhoun

Major General Hugh R. Overholt, Assistant Judge Advocate General of the United States Army, will address a Law Day gathering on May 1.

Some 300 invited guests are expected to attend the event at the Ft. McClellan Officers Club.

A Prayer Breakfast, which will be open to the general public, is also being planned, according to Law Day Chairman John W. Norton. (Continued on Page 4)



Circuit Judge Charles Dodson

Dodson Appointed To Head Committee

In an order dated March 29, 1985, the Alabama Supreme Court appointed Mobile Circuit Judge Charles H. Dodson as chairman of the Standing Committee on Alabama Rules of Judicial Administration.

The committee is charged with the responsibility for reviewing and approving all proposed changes to the rules of judicial administration prior to their consideration by the Alabama Supreme Court.

The rules of judicial administration provide administrative guidance to circuit, district, probate, and municipal courts throughout Alabama. (Continued on Page 2)

Judge Dodson

(Continued from Page 1)

In commenting on the court's appointment, Chief Justice C. C. Torbert, Jr., said, "We are indeed fortunate to have Judge Charles H. Dodson chair this important committee. The Standing Committee on Alabama Rules of Judicial Administration plays a vital role in the continuing progress of our court system," Torbert said.

Members of the committee for the term ending October 1, 1985 are: Judge Robert P. Bradley, Court of Civil Appeals; Kirtley Ward Brown, Esq., Marietta; Robert G. Esdale, Clerk, Supreme Court of Alabama; George P. Ford, Esq., Gadsden; Lane Mann, Esq., Administrative Office of Courts; O. H. "Buddy" Sharpless, Executive Director, Association of County Commissioners; Allen L. Tapley, Administrative Director of Courts; and James Ward, Esq., Birmingham.

Members of the committee for the term ending October 1, 1986 are: Municipal Judge Jerry L. Batts, Andromore; Presiding Circuit Judge John R. Bryan, Jr., 10th Judicial Circuit, Birmingham; Ms. Linda Culvert, Court Reporter, 10th Judicial Circuit; Marion Conley, District Judge, Aubrey Paul, Jr., Circuit Clerk, Devon Kiker, Russell County; Susan McKinney, Esq., Attorney General's Office; and Ormond Somerville, Esq., Birmingham.

Members for the term ending October 1, 1987

are: Circuit Judge Charles H. Dodson, 13th Judicial Circuit, Mobile; Harold P. Harding, Esq., Mableton; Steve P. McQuaden, Esq., Mobile; Thomas Judge L. W. Norman, Mobile; Judge John Patterson, Court of Criminal Appeals, Inc. D. Pratt, Jr., Day, Birmingham; and Circuit Clerk J. B. Vance, Birmingham.

Meals and Allowance Subject to Taxes

The State Comptroller, in a memorandum, has informed our office that the amount you are paid for meal allowance, as well as mileage reimbursement, will be reported on a separate W-2 at the end of the year as additional income.

These two amounts must then be included in your income when you file your tax return. (The change in our policy is the 50 percent per diem allowance.)

The Comptroller indicated that no taxes will be withheld from the amounts paid on the 50 and 50 percent allowances, or 50 percent. Therefore, it may be necessary to change your withholdings if you anticipate a significant amount of travel for the year.

You should keep accurate mileage records if you wish to offset this additional income with your expenses. Your tax accountant can give you advice on what

amounts are to be maintained for year-end reporting.

In order for our office to capture the information needed for the W-2s at year-end, it will be necessary to include your social security number on all travel claims. You should also print your name on the travel form as it is printed on your personal warrant.

If you have any questions regarding these changes, please contact Oliver Gilmore at the Administrative Office of Courts.

Resolution Urges Protection Of Judicial Immunity

As a result of the U.S. Supreme Court's decision in *Patterson v. Allen*, 104 S. Ct. 1978 (1984) holding that judicial immunity is not a bar to an award of attorney fees under 42 U.S.C. § 1983, the Judicial Conference of the United States has adopted a resolution recommending to Congress that this section be amended to provide that judicial immunity would preclude the granting of such awards against a judge or other judicial official in a civil rights action.

Chief Judge John Goodall, Chief Judge of the Eleventh Judicial Circuit of the U.S. Court of Appeals, has taken an active part in adoption of the resolution and should be commended for his efforts to ensure that the doctrine of judicial immunity remains intact.

Barbara Kummel Named Personnel Officer

Mrs. Barbara Kummel will be the new Judicial Personnel Officer effective May 1. She succeeds the retiring William W. "Woody" Parramore.

"We are fortunate to have a person of Barbara's background, experience, and capabilities to assume this important leadership position within the Administrative Office of Courts," said Allen L. Tapley, Administrative Director of Courts.

"Barbara has served as Assistant Personnel Officer for four years, and her appointment will insure that the Alabama Unified Judicial System personnel program will continue to operate efficiently," Tapley said.

A native of La Crosse, Wis., Barbara attended the University of Wisconsin,



Mrs. Barbara Kummel

Madison, and earned her B.S. degree from Auburn University at Montgomery.

While working on her master's degree in 1978, she became involved with work that AUM was doing

under a grant for the court system--construction and validation of written tests for court clerks.

A vacancy occurred at AOC during that time and she was hired as a Personnel Analyst.

"Being appointed Judicial Personnel Officer is certainly a great honor, but it is also a great challenge," Barbara said. "We have an experienced and hard-working group of employees in the division, and I am confident that we will continue to provide the type of service that court personnel have come to expect from us," she said.

"Though we are constantly facing deadlines, we will not forget how important our work is to the employees and court officials who depend on us," she said.

Parramore Plans "Busy" Retirement

Rising early, fixing breakfast, painting--all this makes it sound as if William W. "Woody" Parramore, AOC's Personnel Officer, is headed for a busy retirement after May 1.

But closer questioning reveals the breakfast is a couple of bowls of cereal and the painting is to be done on canvas by brush and palette rather than on a wall by roller.

Woody contends that he will fix breakfast for himself and for his wife,

Gene, and help her get off to work. In addition to his painting hobby he claims that he will do some yard work for Mrs. Parramore while she is at work during the day.

But he admits to some fishing plans, as well as some volunteer work in the community.

A graduate of Centenary College, Shreveport, La., Woody joined AOC in 1977 as assistant to the Personnel Officer. He retired from

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Allen Tapley presents Woody with Certificate of Appreciation from the Supreme Court for his service to the Unified Judicial System.

Law and Court Observance (Continued from Page 1)

The bar association is also sponsoring an essay contest on 1st Amendment issues for high school students. The contest is being coordinated with the Y.M.C.A.

Cherokee/DeKalb

Some 1,000 12th grade government class students will hear, first-hand, reasons why it pays to obey and live within the law. A prisoner from the Staton Prison Annex will talk with them about his experiences.

Eight two-hour presentations by judges and other court personnel will acquaint the students with court activities and procedures.

Participating on the program will be Presiding Circuit Judge Randall Cole, Circuit Judge David Rains, District Judge John Coggin, and District Judge Robert Wilson.

Cullman

A seminar on county involvement and local participation in areas of law involving Cullman County will be held Wednesday, May 1.

The seminar follows the Law Day Luncheon for local judges, lawyers, law office personnel, county commissioners and sheriff's office personnel.

James J. Thompson, a Birmingham attorney, will be the speaker at the luncheon.

Escambia

The most unique Law

Day celebration this year may very well occur in Escambia County where approximately 350 seniors from the county's four high schools are being summoned to circuit court as jurors.

Twelve jurors and several alternates will be selected and will sit as an advisory jury on an actual criminal case.

According to Attorney James E. Hart, Jr., Escambia County Law Day Chairman, attorneys will be visiting each high school to discuss the events the seniors will be seeing in court and to discuss jury procedures. Each high school senior will complete a juror qualification questionnaire and, prior to trial, will receive a juror summons.

Students will be summoned to appear at the courthouse in Brewton on April 30, 1985, at 8:30 a.m. They will hear from judges, county officials, law enforcement officers, and bar members on such topics as county government, jury duty, court procedures, and America's legal heritage.

The students will be qualified by the circuit judge and view the juror orientation slide show presentation. The attorneys in the case will voir dire the seniors and select a 12-person jury and alternates.

Following the presentation of the case the student-jurors will be given 30 minutes to deliberate on the facts and to render a verdict. While the jury is deliberating, the other students will participate in a question

and answer session with the court officials and attorneys.

"The teachers and students here in Escambia County are quite excited about their upcoming trip to court," said Attorney Jim Hart. "They are especially pleased that they will be able to participate in witnessing an actual, live criminal trial. This experience should give the students a tremendous insight into jury duty and our system of justice," commented Hart.

Jackson

Eleventh and twelfth grade students from Paint Rock Valley High School, Princeton, will witness a mock trial in Circuit Judge Robert L. Hodges' courtroom on Friday, May 3.

Judge Hodges has developed the mock trial program and presents it to various high school groups from time to time. He has a set of detailed instructions prepared, based on a previous actual case.

Students act as witnesses and jurors as well as spectators at the mock trials.

"The purpose of the trial is to acquaint students with courtroom procedure as well as some substantive criminal and constitutional law," according to Law Day Chairman Stephen M. Kennamer.

Jefferson

A full week of activities involving almost every seg-
(Continued on Page 5)

Supreme Court Schedules Houston County Session

Some 1,500 juniors and seniors from Dothan City and Houston County school systems will see a session of the Alabama Supreme Court on Friday, May 3, at the Dothan Civic Center.

The event coincides with Law and Court Observance Week.

The Supreme Court trip to Dothan grew out of a law-related education project spearheaded by Presiding Circuit Judge Jerry W. White of the 20th Judicial Circuit and Dr. Gene Watson, Superintendent of Dothan City Schools.

While developing plans to increase law-related activities in the school systems, it was suggested that a visit by the Supreme Court would have a tremendous impact on the students. Following requests from the Houston County judiciary, Bar, and school officials, the Supreme Court approved plans to hold court in Dothan.

"The Alabama Supreme Court is extremely pleased to accept the invitation to be in Houston County," said Chief Justice C. C. Torbert, Jr. "This will be our first session outside of Montgomery this year and it represents our continued interest in bringing the appellate courts and our justice system closer to the citizens of Alabama," commented Torbert.

In preparation for the upcoming event, Dothan attorney James D. Farmer and other Houston County attorneys have been giving classroom instruction on appellate procedure to 11th and 12th graders in the city and county school systems. "The assistance rendered in our classrooms by our local attorneys will make the visit by the Supreme Court much more meaningful to our students," said Dr. Gene Watson.

Law and Court Observance (Continued from Page 4)

ment of the community is being conducted by the Birmingham Bar Association.

Their "something for everyone" Law and Court Observance Week activities kick off Saturday, April 27, with a 3.1 mile run--"Race to the Courthouse."

A group of children in need of supervision will have a "Day-in-Court" Monday as they tour the Municipal Court, the Birmingham Police Department, the Jefferson County Jail, and the Federal Court.

Liberty Bell Awards, recognizing community service that has strengthened the American system under the law, will be presented

at the Tuesday morning breakfast meeting of the Downtown Action Committee.

In perhaps the most significant of all the week's activities, some 150 people will participate in naturalization ceremonies, Wednesday, Law Day, at the Federal Courthouse.

Elderly citizens will witness a "Mock Trial" presented by Cumberland Law School students at Spain Rehabilitation Center on Thursday.

At noon that day, a non-denominational religious service will be held.

The Birmingham Bar Association banquet that evening will feature a "roast" of a local judge and the presentation of the "Lawyer of the Year."

The week's activities conclude Friday, May 3, with another "Day-in-Court" program, this time for honor students from area schools, according to Carole Smitherman, Law Day Chairman.

Madison

A High School Speakers' Program, April 29-May 1, will feature lawyers from the Huntsville-Madison County Bar Association and the Federal Bar Association who have volunteered to speak at area high schools.

On May 1, Law Day, a nondenominational church service will be held, during which local judges, members of the bar, and other interest-

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Law and Court Observance (Continued from Page 5)

ed citizens join in a time of prayer and worship.

Messages will be delivered by the Hon. Seybourne Lynne, Chief Judge, Northern District of Alabama, and Hon. Edwin Breland, Judge of the U.S. Bankruptcy Court of the Northern District of Alabama. Hon. John David Snodgrass, presiding judge of the 23rd Judicial Circuit, will preside at the service.

The monthly bar association meeting will follow the service.

The Annual Law Day Banquet, sponsored by the bar association, will be held on Thursday at the Redstone Arsenal Officers Club. Robert Steed, an Atlanta attorney who is the author of many humorous articles concerning lawyers, will be the guest speaker.

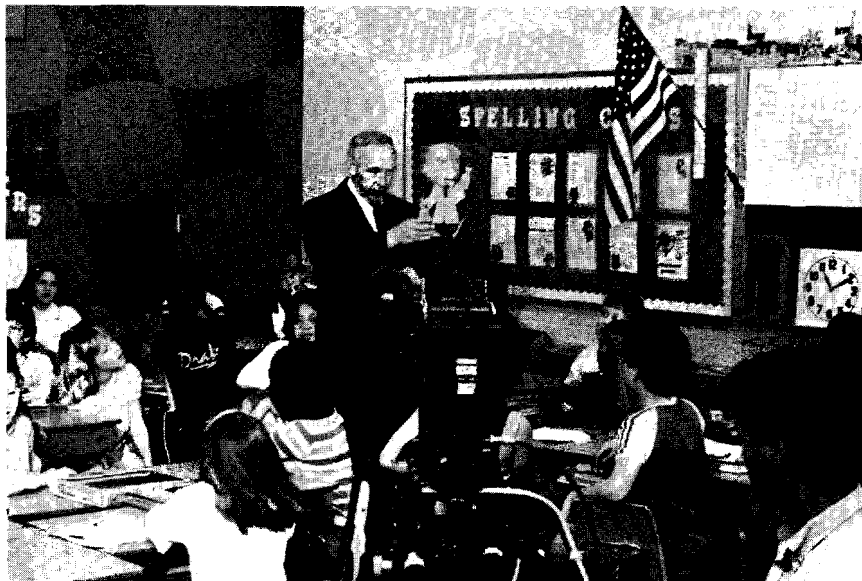
The Liberty Bell Award, recognizing community service that has strengthened the American system under the law, will be presented at the banquet.

Russell

The bar association is sponsoring an essay contest for high school students and will recognize accomplishments of local attorneys at a banquet.

**Liberty & Justice
Liberty & Justice
For All
Law Day USA May 1**

Drake Fifth-Graders "Star" With Chief Justice for TV



Students in Mrs. Terry Kirchler's fifth grade class at Drake Middle School in Auburn joined Chief Justice C. C. Torbert, Jr., in a public service television announcement for Alabama's Law and Court Observance Week.

The 30-second announcement, which has been furnished to all television stations in Alabama and in nearby cities, follows the national Law Day theme, "With Liberty and Justice for All."

Law and Court Observance Week is April 29 - May 3.

"It is particularly appropriate that we are featuring young people in this announcement because we are working hard to expand our law and court-related education program throughout the state," Chief Justice Torbert said.

"I enjoyed meeting and working with these young people," Torbert said. The feeling appeared to be mutual during the question and answer period that was arranged before the taping began.

"What was your last case," one fifth-grader wanted to know, and the Chief Justice told the class about a property line dispute which had recently been reviewed by the Alabama Supreme Court.

"Did you come in a limousine?" "No," he laughed. "You can go out there and look at my Chevy if you want to."

The students also came under questioning by the Chief Justice, who wanted to learn about them and their interests.

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Drake Fifth-Graders (Continued from Page 6)

"We appreciate the cooperation of Mr. Jackie Hall, principal of Drake Middle School, Mrs. Kirchler, the boys and girls and their parents. They helped us a great deal, and we hope that the taping was a good learning experience for them," Torbert said.

The announcement was produced at Auburn Television. Television stations have been asked to use it during the period from April 28 through May 4.



DISCUSSING SCRIPT--Nondas Vall, Auburn T.V. director; Chief Justice C. C. Torbert, Jr., Mrs. Terry Kirchler, fifth-grade teacher; and Jackie Hall, principal of Drake Middle School, Auburn.

Committee Studies Sentencing Process In Criminal Cases

The Judicial Study Commission's Subcommittee on Sentencing held its first meeting in Montgomery on April 4.

The committee was appointed by the Chief Justice at the request of the Judicial Study Commission at its annual meeting in January.

Chaired by Montgomery Circuit Judge Joseph D. Phelps, the committee directed the Planning and Research Division of the Administrative Office of Courts to study the sentencing process in criminal cases which were tried and in cases in which the defendant pled guilty. The study is due to be completed in June, 1985.



SENTENCING COMMITTEE--(l to r) Circuit Judge Joseph Jasper, Birmingham; Lane Mann, AOC; Circuit Judge George Wright, Jr., Opelika; Circuit Judge Jerry White, Dothan.



SENTENCING COMMITTEE Chairman Circuit Judge Joseph Phelps, Montgomery; Circuit Judge Kenneth Ingram, Ashland. Not shown: Circuit Judges Hardie Kimbrough, Grove Hill; Robert E. L. Key, Evergreen; Joseph Colquitt, Tuscaloosa; and Charles L. Smith, Jr., Huntsville.

Criminal History Forms Changed

At the request of the Alabama Criminal Justice Information Center, the State Identification (SID) Number will replace the Offender-Based Transaction Statistic (OBTS) Number on the Criminal Case History form (Block #5) on all cases disposed after April 1, 1985. The SID number is assigned by the Alabama Bureau of Investigation when a defendant's fingerprints are classified.

The SID number will be provided to the Court Clerk by the District Attorney's Office. The District Attorneys have been requested by the Office of Prosecution Services to write the SID number on the indictment. If there was no arrest made prior to indictment, the District Attorney should provide the SID number upon receiving it from the ABI.

If the SID number is not supplied by the District Attorney, the space should be left blank. **OBTS numbers are not to be used after April 1, 1985.**

If there are any questions concerning the change, contact Lu Ann Cobb at the Administrative Office of Courts.

Jane Smith Honored

Jane C. Smith, Deputy Clerk of the Madison County District Court, was recently named Distinguished Young Woman of the year by the Huntsville Jaycees.

Lions President's Award Goes to Judge Colquitt

Circuit Judge Joseph A. Colquitt of the 6th Judicial Circuit (Tuscaloosa) recently received the Lions International President's Award for outstanding service.

Dr. James Fowler, Little Rock, Ark., Lions International President, presented the award.

Judge Colquitt is Past District Governor of Lions Club District 34-N. He received the Melvin Jones Fellowship Award in 1984, the highest honor presented by the Lions International Foundation for service to the foundation.

Parramore

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the U.S. Air Force in 1971 as a Colonel with 31 years of service.

His son, Woody, Jr., following in his father's footsteps, is serving in the Air Force, presently stationed in England. Woody and Gene plan to visit him and his wife this summer as the first of many retirement trips.

Their daughter, Donna, is a graduate of Vanderbilt University and lives in Nashville.

Prior to joining AOC he taught at St. James School and served in the personnel office of the State Department of Mental Health.

Woody's first job with AOC was to help establish the state court personnel

system. Among the major accomplishments of this task was compiling and coordinating the UJS Personnel Procedures Manual and developing the forms used in the personnel system.

"On October 1, 1977, we implemented a broad new personnel system which provided services to approximately 900 classified employees of the Alabama County System. From the very beginning, our system has worked and it has worked well," he said.

"I have a sense of pride in having been a part in its establishment, and I am truly convinced that we have one of the best systems anywhere," Woody said.

He said he is pleased that he's leaving things in good hands.

"Barabara Kummel will make an outstanding Judicial Personnel Officer, and there is no doubt in my mind that the personnel system will continue to improve. In addition, she is fortunate to have the help of the dedicated and capable employees in the personnel office," he said.

Woody was presented a Certificate of Appreciation from the Supreme Court for his service to the Unified Judicial System.

His other fellow employees wish Woody well with his many demanding retirement plans.

By the way--does anyone have a good recipe to lend Woody for fixing corn flakes?

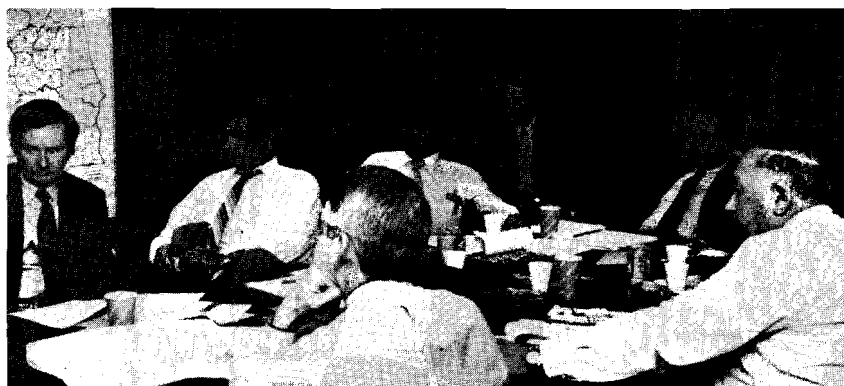
Weighted Caseloads/Times Standard Committees Meet With Chief Justice

Chief Justice C. C. Torbert, Jr., recently met with both the circuit and district judges Weighted Caseload and Time Standards Committees.

In his opening remarks, Torbert told the judges that they face a difficult

task but have an opportunity to provide a valuable service to the Alabama judiciary.

During their meeting, the judges reviewed the current literature on weighted caseload and began consideration of the "Delphi" forecasting method.



CIRCUIT COURT TIME STANDARDS/WEIGHTED CASELOAD COMMITTEES: (l to r) Circuit Judges Randall Cole, Fort Payne; Julius Swann, Gadsden; J. Richmond Pearson, Chatom; and Hunter Slaton and Frank Gregory, AOC; Circuit Judges John Bryan, Jr., Birmingham; J. Edward Tease, Florence, Chairman. Not pictured: Circuit Judges Jerry Baird, Tuscaloosa; Henry Blizzard, Jr., Athens; Inge Johnson, Tuscumbia; Wayne Johnson, Jr., Phenix City; Clatus Junkin, Fayette; Joseph D. Phelps, Montgomery; and Braxton Kittrell, Mobile.



DISTRICT COURT TIME STANDARDS/WEIGHTED CASELOAD COMMITTEES: (l to r) Frank Gregory, AOC; District Judges R. Allen Crow, Anniston; Jeri W. Blankenship, Huntsville; Sandra Ross, Birmingham; Aubrey Ford, Jr., Tuskegee; and Mike Carroll, AOC; District Judges Donald Cruse, Birmingham; John Coggin, Centre; George Carpenter, Tuscumbia; and Hunter Slaton, AOC; District Judges William McFatter, Dothan; Charles Thigpen, Greensboro, Chairman. Not pictured: District Judges Lynn Bright, Montgomery; Joel Holley, LaFayette; and Patricia Smith, Columbiana.

McGee Chairs Group Studying DUI Referrals

Dale County District Judge Val McGee has been named chairman of a special committee to study the Alabama DUI Referral System and make recommendations to the Judicial Study Commission concerning its overall improvements.

Committee members are: District Judge Lynn Clardy Bright, Montgomery County; Circuit Judge James C. Brotherton, 14th Judicial Circuit, Jasper; Municipal Judge Phillip Smith, Talladega.

Jim Hawkins, Director, Marshall-Jackson Mental Health Center; David Holmes, DUI Coordinator, Alcoholism Council of Central Alabama, Birmingham; Callie Longshore, Department of Mental Health, Montgomery.

Eason Mitchell, City Prosecutor, Calera and Wilton, and Jim Quinn, Alabama Department of Economics and Community Affairs, Montgomery.

Representatives from the Administrative Office of Courts include: Robert T. Simpson, Coordinator, Court Referral Programs of Alabama; Angelo V. Trimble, Director, Municipal Court Operations; Myra Baker, Staff Attorney; and Helen N. Gray, Secretary, Municipal Court Operations.

The committee plans to complete its deliberations sometime later in the year and to provide recommendations to the Judicial Study Commission.

New Judicial Building Recommended

A joint legislative-judicial committee has recommended the construction of a four-story, 220,000-square-foot, judicial building to house the State Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, the State Law Library, and the Administrative Office of Courts, including the Alabama Judicial College Division.

The committee report states that there is an urgent need to properly plan for and construct a new judicial building in order to consolidate the courts into one location and to organize them effectively so that their operations are complementary and supportive.

"A judicial building that consolidates court functions will maximize the efficiency and productivity of both the judicial and administrative functions of our state court system for the long-range future and will accommodate the use of modern management principles and modern technologies," it continues.

According to the report, the present judicial building, which was originally occupied in 1940 by 41 people, now has to accommodate 97.

Restroom facilities for the public, for the judges, and for court personnel are inadequate. The heating and cooling systems are obsolete, inferior, and in constant need of repair. The wiring is antiquated and faulty.

The committee found that, because of lack of space, the State Law Library is "entirely inadequate." As it has expanded over the last 40 years, books have taken over space normally used by patrons. Many books are packed and stored in the hallways and in a warehouse several miles away.

Much of the shipping and receiving work is done in the hallways.

The committee made no specific recommendations as to financing "because historically, financing plans have involved determinations and actions of the Governor and the Director of the State Finance Department."

However, the committee said that financing could be accomplished by establishing a public building authority to issue tax-exempt revenue bonds, with debt retirement funded from building rentals paid to the authority from annual appropriations to the judicial system from the general fund. The committee was advised that a lease-purchase arrangement was a feasible method of financing construction through the Retirement Systems of Alabama.

The committee recommended the following sequence of action:

1. The appropriation of funds during the current 1985 legislative session for preliminary planning of detailed programming

and schematic design.

2. Based upon the completion of the work of detailed programming and schematic design, an appropriation during the 1986 Regular Session for full planning and funding for architectural and engineering fees. In addition, legislation should be enacted in the 1986 Regular Session to authorize and provide for construction of the building, as well as the method of financing such construction.

3. Actual construction could then commence during the 1987-88 fiscal year with estimated completion in the 1989-90 fiscal year.

Members of the Joint Legislative-Judicial Committee to Study, Develop Plans, and Make Recommendations for a New Judicial Building for the State of Alabama are: C. C. Torbert, Jr., Chief Justice; Bill Baxley, Lieutenant Governor; Tom Drake, Speaker of the House; Janie L. Shores, Associate Justice, Supreme Court of Alabama; William M. Bowen, Presiding Judge, Court of Criminal Appeals; Richard L. Holmes, Judge, Court of Civil Appeals; Frank Ellis, Jr., State Senator, 14th District; Ryan deGraf-fenried, Jr., State Senator, 21st District; Charles D. Langford, State Senator, 26th District; James S. Clark, Representative, 84th District; James M. Campbell, Representative 36th District; and Tom C. Coburn, Representative, 2nd District.

Examiner Has Tips for Clerks/Registers' Employees

Larry Williard, CPA with the Department of Examiners of Public Accounts, had some helpful tips for employees of clerks and registers' offices during the Spring Speciality Courses sponsored by the Alabama Judicial College Division of the Administrative Office of Courts.

Among the topics covered by Williard were internal accounting control, cashbook adjustments, bank reconciliations, etc.

"One of the first audit procedures performed by the examiner will be a review of the internal accounting control system. The objectives are the safeguarding of assets and the reliability of the records," Williard said.

Four basic concepts of accounting control were cited by him as being:

1. Management Responsibility. The system should be under continuing supervision to determine that the policies and procedures that the examiners have prescribed are being adhered to.

2. Reasonable Assurance. There is no perfect system, and the cost of internal control should not exceed the benefits derived.

3. Personnel. There is no substitute for competent personnel, and we should make sure that our employees understand our prescribed procedures and what their areas of responsibility are.

4. Segregation of Duties. Incompatible duties for control purposes are those that place a person in the position where errors or irregularities can be concealed in the normal course of their duties.

"Just a few years ago, we would recommend that the best control was to have one person write the receipts and a different person post the cashbook. That was a good control, but times have changed.

"The majority of clerks now use the pegboard system, and the cashbook is posted as the receipt is written. This makes segregation of duties impossible, but it does not prevent having adequate accounting control," Williard said.

Bookkeepers (where they exist) should not just take the monthly totals and prepare a report. They should review the cashbook for any entry that is out of the ordinary--like an internal auditor, he said.

"Deposits can be analyzed. If it is discovered that
(Continued on Page 12)



LARRY WILLIARD (r) of the Department of Examiners of Public Accounts, makes recommendations to workers from clerks' and registers' offices.

John B. Tally, Sr.

Retired Judge John B. Tally, Sr., 71, Scottsboro, died Wednesday, March 27, 1985, in a Jackson County hospital.

He practiced law in Scottsboro from 1937 until 1942 and served as assistant U. S. attorney in Birmingham before entering the U.S. Navy during World War II.

He served as circuit solicitor for the 9th Judicial Circuit from 1947 through 1955 and was in private practice until his election as circuit judge in 1968.

Judge Tally continued as a circuit judge until his retirement in 1982 when he returned to the private practice of law with his son, William W. Tally, Scottsboro.

Public Employee IRA's Earn 14.76% Interest

Interest posted to Public Employees Individual Retirement Accounts (PEIRAF) for the quarter ending March 31, 1985, was at an Annual Percentage Rate (APR) of 14.76%.

More detailed information on these IRA's, available to State employees through the Retirement Systems of Alabama, can be found in the March '85 issue of **COURT NEWS**, or employees can call the Personnel Division at 1-800-392-8077, ext. 254.

Examiner

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deposits are not being made in accordance with policies that we have set up, this is like a red flag warning that something could be wrong," Williard said.

The first thing to do if you see a warning, said Williard, is to notify the clerk or register. However, just because there could be a problem does not mean there is a problem. Approach the situation with professional skepticism, he advised.

"I am a big believer in surprise cash counts as a control procedure. If everyone is aware that the cash is subject to be counted at any time—not just when problems are suspected—it makes everyone more careful to adhere to office policy," he said.

Williard recommended control over unused receipts to be sure that none are ever missing.

Another auditing procedure Williard covered is the setting up of receipts and disbursements from the cashbook on a worksheet.

"We should always use cashbook adjustments whenever balances are moved from one column to another. And if we do not put the adjustments in the body of the receipts, it will help tremendously if they are plainly marked so the examiner will not overlook them," he said.

Another problem cited by Williard is failure to

record interest earned on savings accounts.

"Once a quarter, all you have to do is get the current balances and write receipts for the interest earned for that period. It is easier to write one receipt for the interest when the savings is transferred back to the checking account, but that **IS NOT** the correct way.

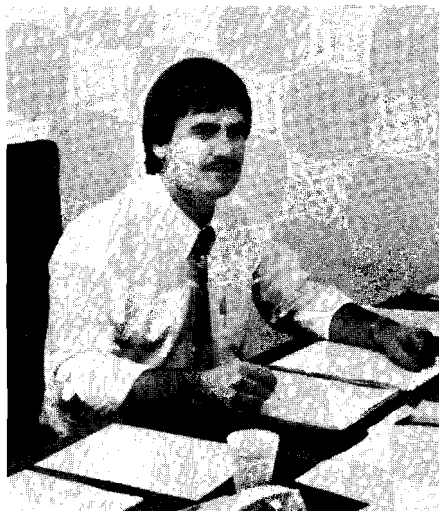
"When the banks confirm to us the interest earned, we have no choice but make the necessary adjustments and make the recommendation that the clerk's office write receipts for interest earned on investments," Williard said.

Checks which have been outstanding for a long time is another item overlooked on the reconciliation. He suggested reviewing these checks and, at some point, make the determination to reinstate these old outstanding checks to the cashbook.

"This is something that takes very little time, yet it really impresses the examiner that you are aware of the items on the reconciliation," he said.

Occasionally, Williard said, the fiduciary list of funds on hand reflects a case with a red balance, indicating either overpayment or posting the disbursement to the wrong case.

"If this happens, don't wait for the examiner to correct it. Do it yourself so that it will not reflect on your audit," Williard advised.



Larry G. Forston Joins AOC Staff

Larry G. Forston, a native of Lexington, Ky., is AOC's new Records Management Supervisor. Larry moved to Montgomery in March and his wife, Lynn Lady, who is an historical researcher, will join him shortly.

A graduate of the University of Kentucky with a B.A. degree in business administration, Larry was Assistant State Records Administrator with the Kentucky Public Records Division for 8-1/2 years. The division administers the records management program of the executive branch of Kentucky state government.

Larry will administer AOC's records management program, including records retention schedules, records disposal, records storage, and records management manuals.

He will also serve as AOC's liaison to the Department of Archives and History.

Kynard Named "Boss of Year"

Dallas County Circuit Clerk William A. Kynard has been named Boss of the Year by the Dallas County Legal Secretaries Association.

Harriet Piper's nomination of Kynard said, "He makes each person feel special, and they know that he is interested in them and their problems."

Kynard is a member of the National Association of Court Administrators, the American Judicature Society, and the National Academy of Criminology.

He has served on the Standing Committee on Alabama Rules of Appellate Procedure.

Active in local civic work, Kynard has served as president of the Edgewood PTA and as president of the West Central Alabama Association for Children with Learning Disabilities.

He is a past president of the Selma Exchange Club and received the Gold Award presented by the United Way for outstanding service to the community.



New Leave Account Cards Issued

As of the middle of April, all UJS offices should have received new Leave Accounting Cards for the second half of 1985. These one-sided cards should be stapled to the original 1985 cards, to be submitted at the end of 1985 for the regular audit.

The revised card will enable employees to use annual leave up until the 31st of December instead of the last full pay period in December. This is especially important for those employees who have annual leave balances in excess

(Continued on Page 14)

Judge Miller Gets Juror's Eye View Of Court Activity

Montgomery District Judge Craig Miller recently got a look at the judicial system in action on the other side of the jury room door.

Judge Miller, who was summoned for jury duty for the week of March 25, was quite surprised when he was selected to sit on a jury trying a DUI case on appeal from municipal court.

"I was elected foreman of the jury, but I was allowed to sit back and listen to the deliberations of the others. I was impressed with the members of the jury and how seriously they took their duty as jurors," Judge Miller said.

He soon discovered that jurors also have minds of their own.

After some 30 minutes of discussion and deliberation, a lady member of the jury said, "I am not going to convict that young man. You may as well send out for the chicken."

The defendant was acquitted.

"The total experience confirms my faith in the jury system. Our forefathers put together all these things that have made our democratic system what it is today, and it works--it really works!" said Judge Miller.

Model Child Abuse Program Started In Fayette County

A recent seminar, instigated by Fayette County District Judge David Enslen, is being used as a model for training in communities throughout the nation on how to combat the growing problem of child sexual abuse.

"This is the first community guidelines training session in the nation conducted under the sponsorship of the National Council of Juvenile and Family Court Judges, and it will be used as a model for future training across the country," said Dr. Pamela Langelier, who presented the six-hour program at the Fayette Civic Center.

Dr. Langelier is the Director of Child, Adolescent and Family Forensic Service at the University of Vermont College of Medicine.

Dr. Langelier said the program should be credited "to the persistence of Judge Enslen and his belief that this type of training should be available in both rural and urban communities across the nation."

The next community seminar is planned for Albany, N.Y., with others scheduled for Chicago and Washington, D.C.

"And that effort all began with Fayette County because of Judge Enslen," Dr. Langelier said.

The Fayette County program was videotaped for a pilot study that will allow the "tailoring of the program for a variety of community leaders and should provide enough material, information, and training to allow the community itself to further develop community programs to combat this problem," Dr. Langelier said.



FAYETTE COUNTY--Seminar participants (l to r) District Judge David Enslen; Samantha Howard, Judge Enslen's secretary; and speaker Dr. Pamela Langelier.

Leave Cards

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of the maximum allowed (480 hours).

If any office has not received the cards and the accompanying changes to the Personnel Procedures Manual, contact Ms. Linda Price at 1-800-392-8077, ext. 256.

Jefferson County Bailiff Helps in Ethiopia

We have all seen the shocking reports. But to Dell Spry, a Jefferson County Bailiff, the famine in Ethiopia is more than a spot on the evening news. It is a dead, lifeless land seared brown by a scorching, unforgiving sun. It is a two-year old starving child carried in your arms--a child not much bigger than a six-month old infant--a child who has never stood or walked on her shriveled matchstick legs.

After hearing reports of the famine, Spry, through his church, contacted Dr. Jerry Bedsole, a former Birmingham veterinarian and now a Southern Baptist missionary. Dr. Bedsole wrote Spry that "if you can get down there, there are about 10 million things you can do."

With this encouragement, Spry began contacting his friends and members of his church for contributions to pay for the trip. "It was really a community effort," said Spry.

"People would just call, or stop me on the street, to offer help," he said. The contributions were handled through Spry's church, and the effort was so successful that he raised not only enough money to pay for his trip but took with him more than \$3,000 to donate to missionary work in Ethiopia.

Spry flew to Addis Ababa, the capital of Ethiopia, where he met Dr. Bedsole on February 24. From there



Dell Spry, a Jefferson County bailiff, gives protein wafers to an Ethiopian child who is blind as a result of malnutrition and an eye infection.

he went to Rabel, an isolated village in the Menz Geishe area of north central Ethiopia which he described as being "ten miles past the end of the earth."

One of Spry's jobs was to coordinate the transfer of American grain from Russian helicopters to the villages. He found the Russians obstinate and uncooperative.

In one instance, Spry threatened to "file a complaint" against a pilot who kept insisting on landing his helicopter miles away from the village that was to receive the grain.

"I don't know who he thought I would file the complaint with, but it worked," Spry said.

During his stay at the compound, Spry lived in

a grass hut and slept on the ground. He tried to eat the native meals, but health reasons forced him to settle on a diet of scrambled eggs and bread. "But not the kind of bread we're used to," he said. The Ethiopians were eating a bread called "feffe" which is made from ground grass seeds. "It tastes like grass, too," said Spry.

Spry is back in Birmingham but he has not forgotten Ethiopia. "In fact, I don't know when, but I am planning to go back to Ethiopia to help again," he said.

Kennedy Named Chairman

Mobile County Circuit Judge Cain J. Kennedy has been elected chairman of the board of the Gulf Coast Sickle Cell Disease Association.

Judges Attend Spring Specialty Courses

Circuit and district judges who attended the Spring Judicial Courses sponsored by the Alabama Judicial College, a division of AOC, heard one of the nation's outstanding jurists, Hon. Charles E. Moylan, Jr., Associate Judge of the Maryland Court of Special Appeals, speak on "History and Philosophy of American Law."

Judge Moylan and a number of distinguished guest speakers highlighted the program held April 23-25 in Tuscaloosa.

Panelists who discussed "Courts and the Media" examined possible solutions to areas of conflict which may arise during the coverage of judicial proceedings.

The panel was moderated by Robert A. Martin, Director, Administrative Services, the Administrative Office of Courts. Members were: Associate Justice A. Hugh Maddox, Alabama Supreme Court; James C. Barton, Esq., Birmingham; James H. Denley, Editor, Birmingham Post-Herald; Circuit Judge Joseph J. Jasper, 10th Judicial Circuit, Birmingham.

Presiding Circuit Judge Randall L. Cole, 9th Judicial Circuit, Fort Payne; Doris Flora, Reporter, Tuscaloosa News; and District Judge Michael W. McCormick, Jefferson County, Birmingham.

Dr. James C. Raymond, Director of Freshman English and Professor of English at the University of Alabama,

conducted a judicial writing seminar for selected circuit judges. The seminar was designed to improve writing skills, clearness, and conciseness of expression.

Other courses offered during the three-day program included: Federal Remedies in State Courts; Business Torts; Offenses Involving Danger to the Person, Excluding Homicide; Identification and Referral of Alcohol and Drug Problems by the Court; Child Support Discussion; Victim's Compensation; Restitution Withholding; Jail Costs.

Landlord/Tenant Eviction; Probate code - Overview; Evidence; and Communications within the Court.



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