

# COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

Vol. 3 / No. 8

August, 1979

## NEW DIRECTOR NAMED

### CHIEF JUSTICE ASSIGNS PERMANENT STUDY COMMISSION FIVE MAJOR COURT PROJECTS

Chief Justice Torbert has appointed retired Col. Jack C. Dixon as director of the Permanent Study Commission on the Alabama Judiciary. The chief justice has also assigned to the commission five major court projects for evaluation and recommendation.

These tasks include studies and recommendations in the following areas: (1) Indigent Defense; (2) Juvenile Justice; (3) Caseload Distribution; (4) Judicial Compensation; (5) Court Improvement Legislation.

Torbert stressed the importance of using the commission as a vehicle for formulating solutions to these and other areas of concern within the state court system.

Col. Dixon, who recently retired from the Judge Advocate Corps of the U. S. Air Force, has assumed duties as director of the commission. Tom Barber will continue to serve as legal counsel to the commission. Dixon, a native of



COL. JACK DIXON  
... Named Commission Director

Birmingham, retired as Staff Judge Advocate of the Air University at Maxwell AFB. He formerly served as senior/ chief judge advocate and legal advisor to Gens. Abrams and Westmoreland in Vietnam. He has served three separate tours with USAF Headquarters in Washington, the last being as chief of the Air Force's Litigation Division. Col. Dixon obtained his law degree from the University of Alabama and his masters (LLM) degree from George Washington University. He and his wife, Jean, reside in Montgomery.

Chief Justice Torbert said that utilization of the commission, which is representative of all three

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CHIEF JUSTICE ASSIGNS  
PERMANENT STUDY COMMISSION  
FIVE MAJOR COURT PROJECTS

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branches of state government, fits into the major planning process now underway in the state judicial system. "We must begin now to plan for the future judicial service needs of the people of our state and to do this we must undertake the immediate resolution of some problems facing the system," Torbert said. "I plan to use this commission to help us formulate plans to solve these problems which, if not met head-on, could impede services rendered by our system in future years," he added. Torbert said that great strides have been made during the past eight years to make Alabama's court system one of the best state systems in the nation. "We now must begin orderly planning for the future if we can continue to make this claim," he said.

Members of the commission include:

From the Legislature - Senators U. W. Clemon, Ryan deGraffenreid, Jr., Don Harrison, Larry Keener, Reo Kirkland, Jr., and Mac Parsons. Representatives John Amari, James Campbell, George Clark, Steve Cooley, Cain Kennedy and Speaker Pro Tem Richard Manley.

From the Judicial Conference - Chief Justice Torbert; Associate Justices Richard L. Jones and Hugh Maddox; Court of Criminal Appeals Judge John C. Tyson, III; Court of Civil Appeals Judge Richard Holmes; Circuit Judges Joseph Hocklander, John D. Snodgrass and Joseph Phelps; District Judges Jerry M. Vanderhoef and William G. Fowler; Probate Judge Walker Hobbie; Municipal Judges Tennant M. Smallwood and Thomas Samford, III; Attorneys Oakley W. Melton, Jr., C. Lynwood Smith and Fournier J. Gale.

Additional members include: Lt. Gov. George McMillan, Speaker of the House Joe C. McCorquodale, Jr., Legal Advisor to the Governor Mike Waters and Assistant Attorney General William T. Stephens.

The commission's staff works under the direction of the chief justice and the administrative director of courts.

END OF FISCAL YEAR  
TO CREATE TEMPORARY  
DISRUPTION OF SERVICES

The accounting year for the Administrative Office of Courts will end on September 30, 1979. This will coincide with the required fiscal year cutoff for all state agencies. Consequently, the financial operations of the state such as the purchasing of supplies, forms and equipment, reimbursement for travel, requests for postage, emergency repairs, etc., will be affected temporarily. The payroll process will not be affected by this cutoff. The purpose of the cutoff is to determine what obligations are unpaid at year-end, and to allow for the appropriation of funds for the operation of the next fiscal year.

The following schedule is provided in order for court officials to plan around this temporary disruption of service:

(1) Purchase orders: All purchases of supplies, forms, etc., will be cut off on September 12, 1979. This operation will resume on October 1, 1979. Therefore, you should project your needs for a period of approximately one month in order to avoid any disruption of your office functions.

(2) Postage, reimbursement for travel, emergency repairs, etc.: All expenditures of this nature will continue to be processed through September 19, 1979. Any claims for reimbursement or other type expenditures of this nature received after September 19, 1979, will be held until processing is resumed on October 1, 1979.

Court officials should contact the fiscal office of the Administrative Office of Courts for answers to any questions regarding this matter.



## CIRCUIT, DISTRICT SECRETARIES ELECT NEW OFFICERS



*CIRCUIT SECRETARIES elected new officers, from left to right: Joanne Camp of Opelika, 2nd vice president; Christie Patton of Tuscaloosa, treasurer; Sue Patterson of Talladega, president; Faye Edmondson of Alex City, secretary; Sharon Goldman of Ashland, 1st vice president.*



*DISTRICT SECRETARIES elected new officers, from left to right: Jackie Heart-sill of Hayneville, vice president; Gene Clark of Guntersville, secretary; Ava Estes of Florence, treasurer; Margie Wetzell of Gadsden, president.*

## NINE CIRCUITS TO PARTICIPATE IN PILOT PROJECTS

### LEAA APPROVES JURY MANAGEMENT GRANT FOR ALABAMA

The Administrative Office of Courts has received verbal approval from the Law Enforcement Assistance Administration (LEAA) of a \$101,262 grant to establish a jury management and juror utilization program in nine state judicial circuits. Written approval is anticipated by next week.

Chief Justice Torbert said that the grant will allow the judicial system to develop an ongoing statewide jury management program for the state.

According to Allen L. Tapley, ADC, the purpose of the project is to achieve permanent improvements in state trial court jury systems through the planned application of specific proven techniques of juror utilization and management.

The Alabama Jury Management and Utilization Program is scheduled to begin on September 1, 1979, and will continue for one year. Nine circuits consisting of fourteen counties have been selected by the Administrative Office of Courts to participate in the pilot program. The counties selected include Jefferson, Mobile, Montgomery, Madison, Tuscaloosa, Etowah, Lauderdale, Houston, Russell, Dallas, Bibb, Hale, Perry and Wilcox. During the past year, these counties expended about 55% of the total jury expense for the entire state. The counties were selected under the guidelines as set forth in the grant announcement.

The program will be divided into three phases. During the early portion of Phase I, an information reporting system will be implemented in each of the pilot courts. The reporting system will provide a uniform method of evaluating jury utilization involving over twenty activities that affect juror usage and satisfaction. Also during this phase, a local assessment of the current jury practices of each court will be made by the AOC jury management staff.

Phase II will involve the development of a jury management plan for each of the pilot courts. The data obtained from the information reporting system and the local assessment will be used together with proven jury utilization techniques in the formulation of each plan. The plan will be presented to a local jury committee for review, comment and approval. The local committee will consist of the presiding judge, circuit clerk, court administrator, district attorney, sheriff, a local attorney and others as the presiding judge may designate.

The final phase will be the implementation of the approved jury management plans. Each of the pilot courts will operate under the provisions of their plan during the last six months of the program. The data collected from the information reporting system will be used to compare the pre and post implementation performances. The program is designed to provide for the initiation of a statewide jury management program.

### RETIREES SHOULD INQUIRE

#### ABOUT INSURANCE COVERAGE

The Employee's Insurance Board and the State Employees' Retirement System are continuing to have difficulty in some cases where employees retire and do not specify clearly whether or not they want to continue their health insurance coverage.

All prospective retirees should receive forms from the Retirement System which are to be used by retirees to authorize payroll deductions for the State Employees' Health Insurance Plan and/or for any other premiums to be paid by payroll deduction. The Retirement System will respond to retirees by a memo of acknowledgement of both the benefits and the authorized continuance of the health coverage.



## TORBERT, TAPLEY ADDRESS CHIEF JUSTICES' COURT ADMINISTRATORS' NATIONAL CONFERENCES

Chief Justice Torbert and Administrative Director of Courts Allen Tapley participated on the programs of the National Conference of Chief Justices and State Court Administrators held August 5-9 in Flagstaff, Arizona. Torbert discussed "Consensus Building and Personal Relationships" as a mechanism to implement court policies. Tapley spoke on "The Mechanics of Assumption of State Funding of Trial Courts." U. S. Chief Justice Warren Burger, pictured with Torbert above, and U. S. Senator Howell Heflin, pictured with Torbert and Tapley in the top photo, both addressed the conference. In photos at right, Torbert is shown addressing the Conference of Chief Justices and Tapley is pictured speaking to the Conference of State Court Administrators. Also attending the conference was Robert Martin, the AOC's director of administrative services.



## REGIONAL MUNICIPAL

## JUDGE SEMINARS UNDERWAY

A series of seven regional one-day seminars for municipal court judges and magistrates will be held during the months of August and September. The seminars are being sponsored by the Alabama Judicial College and the Municipal Court Division of the Administrative Office of Courts.

Topics for discussion during the seminar include duties and responsibilities of a magistrate, warrant issuance (including a discussion of the new criminal code), probable cause, errors, record keeping procedures and UTC reporting requirements. A review and discussion will be held during the final session which will involve a panel of the speakers and will include a guest panelist.

Speakers for the seminars include James S. Garrett, judge of Vestavia Hills Municipal Court and president of the Alabama Municipal Judges Association; W. Hampton Brown, senior attorney, Legal Aid Society, Birmingham; John Coggin, judge of Centre Municipal Court; Perry C. Roquemore, staff attorney, Alabama League of Municipalities; Thomas G. Barber, staff attorney of the AOC; Captain Charles G. Smith, assistant chief, Drivers License Division, Department of Public Safety; and Angelo V. Trimble, coordinator, Municipal Court Division of the AOC.

The seminars will be held at the following locations:

August 29, Decatur (Holiday Inn on 6th Avenue).

September 6, Anniston (Holiday Inn at 431 and I-20).

September 11, Prattville (Holiday Inn, I-65 at Millbrook, Prattville exit).

September 13, Ozark (Holiday Inn, U.S. 231).

September 18, Jackson (Ray & Tom's Restaurant, North College Avenue, U. S. 43).

September 20, Birmingham (Sheraton Inn Downtown, 300 N. 10th Street at I-65).

September 25, Tuscaloosa (Alabama Judicial College, Farrah Hall, University of Alabama).

Participants should attend the meeting that is near their home base. An alternate site may be selected but must be approved in advance by Mr. Trimble. Approval for the attendance at an alternate site may be requested by submitting a letter with the registration form stating the reasons therefor. Per diem and travel expenses will be reimbursed by the Administrative Office of Courts as provided by state law for out-of-town travel. There will be no registration fee. Court officials and employees should complete and return registration forms as soon as possible.

## JUDGE SENIORITY LIST

## BEING COMPILED BY AOC

The Administrative Office of Courts solicits the assistance of every circuit and district judge of the Unified Judicial System in its effort to update its listing of judges by their seniority in the judicial service of the state of Alabama. Judges should advise the AOC (telephone 1-800-392-8077), as to the date upon which they originally assumed the office they now hold, i.e., circuit judge or district judge. If service was rendered previously in the other capacity this information should be reported separately, i.e., service as a district judge prior to having become a circuit judge and vice versa. All assistance given in compiling this information will be greatly appreciated.

## MANUALS DISTRIBUTED

The following items have been distributed over the past several months: Juvenile Court Judges Bench Manual - Procedural Outline, Administrative Directives Manual, Circuit Judges Bench Manual, and a Small Claims Handbook. Anyone wishing to obtain copies should contact Myra Baker, Records Management Division, 1-800-392-8077.

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## BILL JETTON APPOINTED: SCRUGGS MOVES TO COURT OF CIVIL APPEALS

Bill Jetton, who served nine years in a county judgeship before creation of the new district court, has been appointed as a circuit judge in the 27th Judicial Circuit. He will take office October 1.

Jetton was appointed by Gov. Fob James to succeed Ed Scruggs, who has been appointed as an extra member of the Alabama Court of Civil Appeals.

The appointment is for a little over a year. An election will be held in November of 1980 for the remaining two years of the term. Mr. Jetton said he intends to be a candidate.



BILL JETTON

Mr. Jetton was recommended for the judgeship by the Marshall County Bar Association. Gov. James had asked for a recommendation from the bar, which is made up of county lawyers and judges.

"This is the first time a governor has asked the bar for its thoughts in filling a vacancy and we'd like to thank him," said Jimmy Carnes of Albertville, president of the association.

The other circuit judge is Clarke Johnson. He and Mr. Jetton were the candidates in the election for that office when the legislature created a second judgeship for the county in 1970.

Mr. Jetton has lived in Guntersville since 1954 except when he was in the Army or in school. He is 48.

Originally from Cullman, he graduated from the University of Alabama with a

degree in business and worked five years before returning to the University for a law degree, which he got in 1961.

He went into law practice here with John Bostwick, now of Birmingham, and then was appointed county judge (now district judge). He was reelected for a full term and served until 1971.

For the last eight years he has practiced law in partnership with Chuck Ogden. He is married to the former Terry McCann.

The appointment was announced by State Rep. Phil Kelley at a press conference in Mayor Bob Hembree's office. Rep. Kelley was asked by Gov. James to make the announcement.

"Judge Scruggs has done a fine job for his county and for the entire state judicial system," Rep. Kelley said. "I feel certain that Judge Jetton will do a fine job too."

Mr. Jetton said he deeply appreciated the appointment, "but I have mixed feelings because we're going to lose Judge Scruggs. He is a real scholar of the law, the best judge I know." Mr. Jetton said he was grateful to the people who had supported him for the judgeship.



JUDGE ED SCRUGGS

Judge Scruggs was present for the announcement. He congratulated Mr. Jetton and offered him "any help I can give."

Chief Justice Torbert congratulated both Jetton and Scruggs on their new assignments. "I know the Court of Civil Appeals is happy to obtain the assistance

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## BILL JETTON APPOINTED: SCRUGGS MOVES TO COURT OF CIVIL APPEALS

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of someone with Judge Scruggs' capabilities and I am confident Bill Jetton will be an outstanding circuit judge for Marshall County," Torbert added.

## J. O. SENTELL HONORED BY NATIONAL CLERKS' GROUP

J. O. Sentell, Clerk of the Alabama Supreme Court since 1968 has been presented the first Distinguished Service Award by the National Conference of Appellate Court Clerks. The award was presented in Monterey, California, during August.

Sentell, one of the founders and the first president of the NCACC, was honored because of his outstanding leadership and professional guidance during the formative years of the conference.



J.O. SENTELL

Chief Justice Torbert congratulated Sentell on the award, calling him "one of the finest public servants in Alabama, as well as the nation."

## TORBERT, TAPLEY ANNOUNCE SYSTEM PERSONNEL CHANGES

Chief Justice Torbert and Administrative Director of Courts Allen Tapley announced the following personnel changes at the Administrative Office of Courts:

David Ashworth Resignation - David Ashworth, AOC purchasing agent, resigned effective August 31, to accept a position with Roberts and Son Printing Company as

district sales representative for the southern half of Alabama. He will also be responsible for all the company's commercial accounts. Tapley cited Ashworth for making significant contributions to the UJS in developing plans for local purchasing and coordinating the supply and equipment needs of the trial courts.

Chuck Pinkham Named Purchasing Agent - Charles E. "Chuck" Pinkham has been named to replace Ashworth as purchasing agent for the AOC and UJS. Pinkham was instrumental in developing the plan for Alabama's new judicial college and for the past year-and-a-half has served as special assistant to the administrative director of courts. "I am confident that under the direction of Mr. Pinkham our purchasing operation will continue to function well," Tapley said.

Cecil Copeland to be Special Assistant - Cecil Copeland, currently the administrative assistant to State Bar Executive Director Reggie Hamner, has accepted the position as special assistant to the administrative director of courts. Ms. Copeland, who worked at the State Supreme Court prior to accepting a position with the State Bar, replaces Pinkham. "Ms. Copeland will play an expanded role in future efforts we are planning to improve the image of the state's judicial system and I am pleased she has accepted this position," Tapley said.

Secretarial Changes - Carolyn Enslen, who has served for the past eight years as secretary to Chief Justice Torbert and Senator Heflin when he was chief justice, will retire next month. "I cannot express the gratitude I have for the help and assistance Carolyn Enslen has provided me since I took office two-and-a-half years ago," Torbert said. "She helped me make the transition from lawyer to judge, and I will certainly miss her greatly," the chief justice

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## TAPLEY ANNOUNCES

### AOC PERSONNEL CHANGES

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added. Joining Mary Lucido to fill the chief justice's secretarial needs will be Soyna Moore, who has served the past two years as secretary to Tapley. Sybil Carlson, who has served as secretary to AOC directors Robert Martin and William Campbell, will become Tapley's secretary. Mrs. Carlson will continue to coordinate court reporter assignments and assist in the publishing of Court News.

## JUDGE WILSON HAS

### ELEVEN DAY JURY TRIAL

An eleven-day jury trial, the longest trial held in Walker County Circuit Court since 1930, ended August 11, with a verdict for the plaintiffs in the amount of \$50,000.00

The case arose out of an incident where the plaintiff was severely burned and injured when the boom of a drill which he was operating came in contact with a high voltage power line.

Circuit Judge James E. Wilson presided over the case.

## DON GIBSON NAMED

### CHOCTAW CIRCUIT CLERK

Circuit Judges Hardie Kimbrough and Richmond Pearson of the 1st Judicial Circuit have announced the appointment of Donald R. Gibson as clerk of the Circuit Court in Choctaw County.

Gibson, 25, has a B. S. degree in accounting from Livingston University. Prior to his appointment he was in the oil distribution business in Butler with his father.

## IT'S A BABY GIRL

### FOR JUDGE JOHNSON

Circuit Judge Inge Johnson, Tuscumbia, gave birth to an eight pound, eight ounce girl on August 23rd. The Johnsons named her Sigga Juul, after Judge Johnson's mother.

## DEATHS: MR. WEST,

### JUDGE GODBOLD

Wilcox County District Judge Stanley D. Godbold died in the early morning of August 25th. It was also reported to the AOC that Supernumerary Court Reporter Hugh H. West died on August 23rd. The AOC staff extends condolences to the families of both Judge Godbold and Mr. West.

## SMALLEST CLAIM

### LONGEST TRIAL

The smallest claim in Montgomery Small Claims Court history required the longest trial since the court was created two years ago. A dispute between Wayman Rudder and W. T. Williams over \$2.71 was tried for two hours in District Judge Mark Kennedy's court last week. Rudder got his money.

The conflict began when Rudder decided to sell his combination service station-grocery store. Before Rudder could transfer store ownership, he had to collect delinquent charge accounts. Among those accounts was the \$2.71, charged to Williams for baby food. Williams maintained he did not owe the money, so Rudder took him to court.

Both men retained lawyers, which is unusual in what is often called "the people's court." According to Jewel Ryals, deputy district court clerk, Williams did not appeal the decision.

-- from *The Alabama Journal*

# Legislative Log

The Alabama Legislature ended its 1979 regular session on July 31. A total of 600 bills were passed by both houses. Fifteen were vetoed by the governor. The following list includes a synopsis of certain bills of interest to the state judiciary and the act number assigned to each bill.

## HOUSE BILLS

Act 678 (H.B. 999) 14th Judicial Circuit; Issuance of Juror Summons - This act provides that the circuit clerk of the 14th Judicial Circuit shall issue summons for petit jurors and grand juries by regular mail and thereupon mark the process executed. In the event the summons is returned without delivery, the clerk shall deliver such summons and a copy thereof to the sheriff who shall make every reasonable effort to serve the same personally and make due return to the clerk.

The Child Support Act of 1979 (H.B. 551) - This act, in addition to providing for the operation of various child support programs by the Department of Pensions and Security, provides that all presently existing statutes are hereby amended to provide that the juvenile courts and district courts and circuit courts shall have concurrent jurisdiction of actions involving paternity, desertion, non-support, or support. This act further creates a civil cause of action, in addition to existing causes of action, on behalf of any person who is owed a duty of support, which may be enforced in the district court, the circuit court, or any court having non-support jurisdiction or jurisdiction over the custody of children.

Act 826 (H.B. 483) Compensation of Circuit Judges and District Attorneys - This act provides that circuit judges shall receive an annual state salary in the amount of \$34,000.00 commencing October 1, 1979. The act further provides that any salary sup-

plement received by any circuit judge or district attorney which now exceeds \$11,000.00, or because of the passage of this bill, will exceed such sum, is reduced to \$11,000.00

Act 125 (H.B. 6) Alabama Criminal Code - This act provides that the effective date of the Criminal Code shall be 12:01 a.m. o'clock on January 1, 1980.

Act 484 (H.B. 24) Journal of Salaries - This act repealed Section 36-6-9, Code of Alabama 1975, which required the annual compilation of a journal of salaries or compensation payable by or through the executive department, the legislative department and the judicial department, respectively.

Act 440 (H.B. 75) Municipal Court Appeals - This act provides that if a defendant fails to appear when his case is called, unless good cause is shown, the case shall be dismissed, and unless the appeal is reinstated within 30 days the clerk of the circuit court must return the file with a copy of the order of dismissal to the court from which the appeal was taken and the judge of such court may enter a default judgment following the procedures in Section 15-13-81. Prior to this act, the circuit judge entered the judgment of default on the appeal bond and could also issue a warrant for arrest of the appellant.

Act 692 (H.B. 151) Creation of an Additional Judgeship in the 10th Judicial Circuit; Elimination of one District Judgeship in the Birmingham District of Jefferson County - This act provides for the appointment of an additional circuit judge no. 20 in the manner provided by Amendments 83 and 110 to the Constitution of Alabama, who shall then hold office until his successor has been elected and qualified as provided by law. Upon appointment of circuit judge no. 20, the number of district judges in the Birmingham Division of Jefferson County shall be reduced from 9 to 8, but this shall occur only upon the death or resignation of an incumbent district judge in this Division.

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# Legislative Log

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Act 130 (H.B. 246) Chilton County, Method of Serving Juror Summons and Witness Subpoenas - This act provides that juror summons for circuit court may be served in the sheriff's discretion, by either first class mail or as provided in Section 12-17-73, Code of Alabama 1975. If the summons is returned by the post office without delivery, the sheriff shall mark the summons "Not Found". Witness subpoenas for any proceeding in the county may, in the discretion of the sheriff or constable, be personally served or placed in the mail, addressed to the person or witness to be served. If the subpoena is returned, then the sheriff shall make a diligent effort to serve the same.

Act 365 (H.B. 399) Morgan County; Selection of Presiding Judge - This act amends Act No. 377, Regular Session 1978, by providing that the presiding judge in the 8th Judicial Circuit shall be selected in the manner provided in the Alabama Rules of Judicial Administration rather than by seniority.

Act 829 (H.B. 418) Supernumerary Circuit Clerks and Registers - This act in amending Section 12-17-144, Code of Alabama 1975, provides that persons seeking to qualify as either supernumerary clerk or register may count prior continuous service as probate judge in obtaining prior service credit, up to a maximum of 15 years. This act provides for the amount and method of contribution required to obtain prior service credit which must be paid by 1978 or within two years thereof.

Act 326 (H.B. 786) Covington County; Abolished the Jury Commission - This act repealed Act No. 437, Acts of Alabama, Regular Session 1959, page 1125, which created a jury commission composed of nine members appointed by the governor.

Act 783 (H.B. 825) 17th Judicial Circuit; Solicitor's and District Attorney's Fund - This act provides that all solicitor's and district attorney's fees taxed as costs and collected in all criminal cases in the 17th Circuit shall be paid by the clerk into a fund designated the Solicitor's and District Attorney's Fund. The district attorney and circuit judge are authorized to requisition expenditures for certain specified items, however, the district attorney is the only person authorized to approve payment.

Act 784 (H.B. 906) Madison County - This act provides the procedure for filling vacancies in any judgeship in Madison County by creation of a judicial commission for the purpose of nominating to the governor persons for appointment to such vacancy.

Act 724 (H.B. 953) Cost-of-Living Increase for All State Employees - This act provides for a conditional cost-of-living increase for all state employees and officials.

Act 751 (H.B. 667) County Law Libraries - This act provides that the governing body of each county shall have the power to establish and maintain a county law library for each courthouse in their respective counties. For support and maintenance of libraries established under this act, a two dollar (\$2.00) library fee shall be paid in all causes and cases in district and circuit courts in counties wherein this law is ineffect. A county may elect at any time to have a library under this method or under existing laws, but may not have a library under both methods at the same time. The presiding judge of the circuit or a district or circuit judge designated by him may appoint a full or part time county law librarian or custodian. The presiding judge or the librarian, if one exists, shall administer the library and disburse the library funds.

## SENATE BILLS

Act 320 (S.B. 95) Changes Position Designation  
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# Legislative Log

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nation - This act amends Section 12-3-34, Code of Alabama 1975, so as to change designation of position hired by Court of Criminal Appeals from "stenographer" to "confidential assistant."

Act 351 (S.B. 181) Probate Judge Marriage Fee - Lauderdale County probate judge authorized to charge \$5.00 fee for performing marriages; fee may be retained by probate judge for his personal use.

Act 566 (S.B. 229) Judicial Retirement Changes - Judges, appellate judges and circuit court judges assuming office after July 30, 1979, (1) shall not receive retirement pay until age 60; (2) such pay is to be computed upon percentage of final salary at time of retirement; (3) only prior service as judge shall count toward retirement, and, specifically, service as a district court judge may be counted toward retirement as a circuit or appellate judge.

Act 499 (S.B. 235) Jefferson District Judge Supplement - District judge in Jefferson County will be paid a salary supplement in an amount (determined by the county governing body) to keep annual salary not less than \$29,500.00 nor more than annual salary paid to such judge by the state plus 40% thereof.

Act 542 (S.B. 258) Amends Sunset Act - Amends Sections 40-20-2 through 40-20-5, 40-20-10 through 40-20-14, Code of Alabama 1975, (Sunset Act).

Act 216 (S.B. 339) Lawrence District Judge Expense Allowance - District judge of the 36th Judicial Circuit (Lawrence County) is entitled to expense allowance from the county in an amount equal to supplement paid to district judge of the 8th Circuit. District attorney of 36th Circuit entitled to same supplement as the district attor-

ney of the 8th Circuit.

Act 301 (S.B. 350) Pickens Juror Expense - Pickens County expense allowance for jurors is \$20.00 per day and mileage as provided in Section 12-19-210, Code of Alabama 1975.

Act 394 (S.B. 363) Autauga Probate Judge Fee - Autauga County probate judge authorized to collect \$3.00 fee for recording title, such money to be deposited in the county general fund.

Act 354 (S.B. 475) Etowah Qualified Electors - Etowah County probate judge required to prepare a list of qualified electors for election inspectors and shall receive \$.05 for each name as compensation.

Act 457 (S.B. 482) Secret Grand Jury Proceedings - Grand jury proceedings are to be "secret" and it shall be a felony, punishable by not less than one nor more than three years imprisonment and/or not more than \$5,000.00, for any grand juror, grand jury witness or grand jury stenographer to wilfully reveal anything about a matter before the grand jury. District attorneys and circuit judges may reveal the date, time and place a particular case will be or was presented to a grand jury or that a no bill was returned thereon. District attorneys may reveal grand jury evidence to members of his staff or law enforcement offices for the purposes of bona fide investigations.

Act 556 (S.B. 522) Mobile Salary Supplements - Salaries of circuit court register and district court clerk of Mobile County may be supplemented by the county in an amount of up to \$6,000.00 per annum.

Act 396 (S.B. 524) Jefferson Pension System - Amends the Jefferson County pension system for county offices and employees.

Act 502 (S.B. 622) Repeals Authority to Hire - Repeals previous act authorizing circuit clerk, judge and district judge (among others) to hire clerical assistants and set their compensations payable by the county.

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# Legislative Log

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Act 495 (S.B. 634) St. Clair District Judge Expense Allowance - District judge of St. Clair County is entitled to receive an expense allowance from the county equal to 90% of the total expense allowance and salary supplement paid by the county to circuit judges of the 30th Judicial Circuit.

Additional bills passed which are of interest but have not been fully synthesized by the AOC staff. These bills are listed as follows by their act number and a brief description:

## HOUSE BILLS

Act 439 (H.B. 8) provides for election of president-elect by the Alabama State Bar. Act 241 (H.B. 37) is the measure which deals with the state's alimony statutes. Act 486 (H.B. 38) deals with alimony and divorce proceedings. Act 410 (H.B. 153) supplemental salaries for Jefferson County district judges. Act 91 (H.B. 179) expense allowance, DA, 5th Judicial Circuit. Act 443 (H.B. 182) mother allowed to sue on behalf of minor child. Act 800 (H.B. 205) time and place for holding primary elections.

Act 325 (H.B. 240) deals with workmen's compensation. Act 467 (H.B. 256) deals with contributions of state officials and employees to charitable organizations. Act 330 (H.B. 286) creates office of assistant probate judge in Jefferson County. Act 251 (H.B. 291) admission fees for state bar applicants. Act 629 (H.B. 292) residency requirements of district attorneys. Act 156 (H.B. 297) authorizes public law library, Cherokee County. Act 237 (H.B. 324) appropriations for state general fund budget. Act 119 (H.B. 384) county law library fund for Choctaw County.

Act 523 (H.B. 426) provides for county expense allowance, court reporter, 18th Judicial Circuit. Act 342 (H.B. 460) 35th Judicial Circuit - provides solicitor counsel. Act 334 (H.B. 533) provides for procedure in a petition for the sale for division of property held by joint owners. Act 179 (H.B. 563) expense allowance, circuit clerk, Washington County. Act 246 (H.B. 594) salaries, St. Clair officials. Act 515 (H.B. 603) deed transactions, Walker County. Act 664 (H.B. 715) new criminal code. Act 573 (H.B. 716) district judge supplement, Lee County.

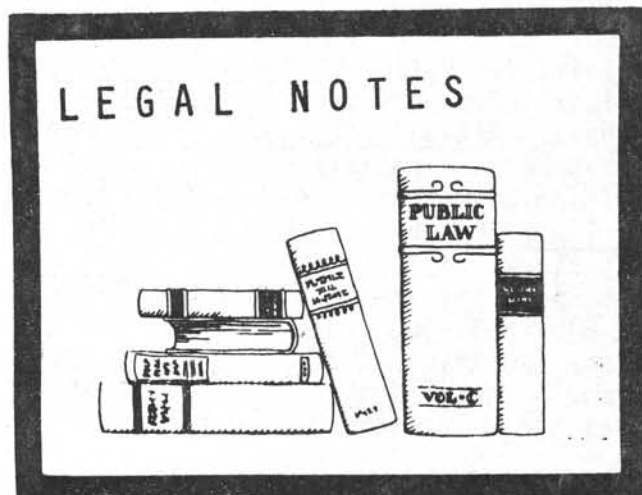
Act 669 (H.B. 786) allows governor to increase per diem, mileage expense. Act 716 (H.B. 825) expense allowance for judges, 17th Circuit. Act 375 (H.B. 865) court costs, 1st Circuit. Act 871 (H.B. 380) deals with employees of clerk, probate judge and sheriff. Act 531 (H.B. 878) court costs, Coffee County. Act 713 (H.B. 928) salary supplement, judges, 11th Circuit. Act 592 (H.B. 948) public law library, Talladega County. Act 593 (H.B. 949) fees on delinquent ad valorem taxes. Act 724 (H.B. 953) state employees' cost-of-living raise. Act 654 (H.B. 983) court costs, Cleburne County law library.

Act 679 (H.B. 1000) Walker County - court fee for Juvenile Court Advisory Committee. Act 680 (H.B. 1001) judges' salary supplement, DA expense allowance, 14th Circuit. Act 582 (H.B. 1022) county supplement for jury commission. Act 586 (H.B. 1037) circuit judge salary supplement, Geneva County. Act 736 (H.B. 1058) rehabilitation of convicted criminals.

## SENATE BILLS

Act 661 (S.B. 100) amends insurance code, standard nonforfeiture act. Act 468 (S.B. 109) limitations on time limit for any action brought against manufacturers or sellers for product recovered damages. Act 697 (S.B. 120) regulates night hunting of raccoons to permit use of dogs, a light and a .22 caliber weapon. Act 539 (S.B. 187) out-of-state travel authorization, judicial, legislative and executive departments. Act 476

(Continued on Page 17)



## ATTORNEY GENERAL OPINIONS

### PER DIEM PAYMENT TO JURORS RULED EXPENSE ALLOWANCE

As reported in April Court News, the attorney general has determined that the ten dollar per day payment for jury service authorized in Section 12-19-210, Code of Alabama 1975, is an expense allowance rather than a fee. As such, this amount should not be subtracted by an employer from the employee's normal salary under Section 12-16-8 of the Code.

### DA'S MAY ASSIST MAGISTRATES

In an opinion dated August 10, 1979, the attorney general determined that district attorneys and their assistants may assist magistrates "in drafting, interviewing and preparation of the warrant so long as that assistance does not impair the detached and independent nature of the magistrate." The attorney general stated further that the magistrate himself "must hear evidence of probable cause and must make an independent judgment relating to the issuance of the warrant." (This opinion was issued to clarify a previous opinion issued March 8, 1979, which was summarized in June Court News.)

### COMPENSATION FOR EXPERT TESTIMONY

In an opinion dated August 10, 1979, and given to Wiley P. Henderson, Escambia County district attorney, the attorney

general stated that, under Section 12-21-181, Code of Alabama 1975, a district attorney may compel testimony by an expert witness at the same rate of compensation paid any other witness or may pay such expert witness additional compensation from the solicitor's fund.

### UNCLAIMED WITNESS FEES PAID INTO STATE TREASURY AFTER THREE MONTHS

On August 10, 1979, the Attorney General determined that unclaimed witness fees under Section 12-19-137, Code of Alabama 1975, should be held by the clerk for three months and then deposited in the state treasury. Because of the importance of this opinion, which was requested by Clerk Maurice Castle of Mobile, it is reprinted as follows:

"Dear Mr. Castle:

"This office is in receipt of your request dated June 18, 1979, for an opinion which reads as follows:

"This office requests an opinion from you regarding Witness Fees held by the Clerk of the Circuit Court set out in Title 12, Volume II, page 435, Section 12-19-137 - Claims for payment of witness fees, etc., and Section 12-19-138, Payment of non-disbursed fees to successor.

"Heretofore this office has held these witness fees for two years and on the 1st day of February of each year have paid these fees into the County Treasurer.

"The question has arisen 'Should these fees be paid into the State Treasurer after being held for ninety days?' It doesn't set that out in Section 12-19-137.

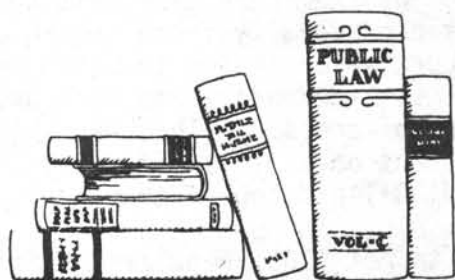
"These fees are collected and held in City Appeal cases only."

"Prior to the passage and approval of Amendment 328 to the Constitution of Alabama, and the enactment of Act 1205,

(Continued on Page 15)



## LEGAL NOTES



## ATTORNEY GENERAL OPINIONS

*(Continued from Page 14)*

Acts of Alabama of 1975, the responsibility for financing the operation and financing of the court system of this state was divided between the state and local governments. Act 1205 created the unified judicial system and gave the state the primary responsibility for court finances.

"Prior to the enactment of Act 1205, Section 12-19-137 contained specific directions to turn over any unclaimed witness fees to the county treasury. This language was omitted in the Amendment to Section 12-19-137 in Act 1205. In addition the Amendment stated that persons presenting claims for witness fees shall be paid "out of state funds" the fee due such person. This is clear indication that such funds are now considered to be state funds.

"Furthermore, Section 12-19-138 provides a procedure for accounting for witness fees on hand when a successor takes office and provides that clerks are relieved from liability with regard to fees when all fees have been paid to their successor or to the State Treasurer. This provision was also added by Act 1205.

"As amended by Act 1205, Section 12-19-137 now refers to payment out of state funds and Section 12-19-138 now refers to making payment of witness fees to the

state treasury. These references plus the fact that Amendment 328 to the Constitution and Act 1205 changed the method of financing court operations to make the state primarily liable for such expenses leads to the logical conclusion that all unclaimed witness fees belong to the state and should be deposited in the state treasury. Furthermore as Section 12-19-137 provides that all claims for witness fees are forever barred after 3 months from the date of their collection there is no reason for such unclaimed funds to remain in the clerk's custody and they should be deposited in the state treasury if they remained unclaimed at the expiration of the 3 month period.

"Your question is therefore answered in the affirmative.

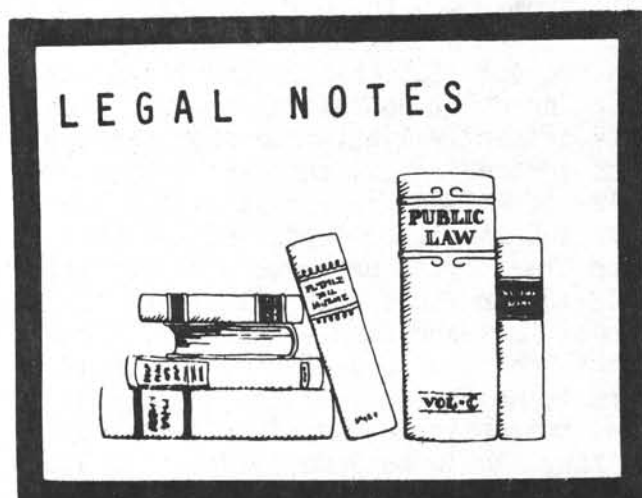
"It should be noted that these funds do not constitute fiduciary funds within the meaning of Section 19-3-80, Code of Alabama 1975. A previous ruling of this office held that this section does not apply to unclaimed witness fees in courts of record. Since Sections 137 and 138 deal with courts of record, Section 19-3-80, *supra*, is inapplicable.

"I trust this satisfactorily answers your questions."

## STATE RESPONSIBLE FOR CIVIL DOCKET FEES

As reported in last month's Court News, the attorney general, in an opinion given to William J. Davis, director of the Department of Industrial Relations, has determined that state agencies are required to pay a docket fee for any civil action brought in the name of and on behalf of the State of Alabama. The attorney general stated that the state "is liable for docket fees the same as an individual except in those cases where there is a specific exception," e.g., uniform reciprocal support actions brought by the state pursuant to Section 30-4-96, Code of Alabama 1975. In URESA cases, the state is specifically exempted by statute from paying a docket fee. This opinion was printed in its entirety last month. However, copies may

*(Continued on Page 16)*



## ATTORNEY GENERAL OPINIONS

*(Continued from Page 15)*

be obtained by contacting Melinda Mitchell, legal counsel, at AOC

### CRIMES OF MORAL TURPITUDE LISTED

In an opinion given to Mrs. Jenny C. Knight, member of the Morgan County Board of Registrars, containing a discussion of crimes which disqualify an Alabama citizen from voting, the attorney general listed the following offenses as being crimes of moral turpitude: murder; buying and concealing stolen property; burglary; forgery; malicious shooting; assault with intent to murder; larceny; desertion from military duty during time of war; sale of marijuana; manslaughter in the first degree; income tax evasion; violating Dyer Act; obtaining money by worthless check; and carnal knowledge.

The following are crimes which have been held not to involve moral turpitude: assault and battery; bootlegging; distilling or otherwise violating prohibition laws; doing business without license; trespass to land; vagrancy; using abusive and obscene language; public drunkenness; driving while intoxicated; violations of liquor laws; aiding prisoner to escape; and speeding.

These lists are not exhaustive but may serve as a general guide.

### ORDERS TAXING COSTS IN CRIMINAL CASES DISCUSSED

During audits recently conducted by the Department of Examiners of Public Accounts, examiners occasionally found orders entered by the court which stated that the criminal case against a defendant was "not prossed on payment of costs." (This was brought to the attention of this office by Mr. William W. Dillard, chief examiner.)

Prior to Act 1205, Regular Session 1975 (Judicial Article Implementation Act), orders of this nature were considered to be inoperative and void by the appellate courts and the attorney general. In an opinion dated October 14, 1963, the attorney general stated the following:

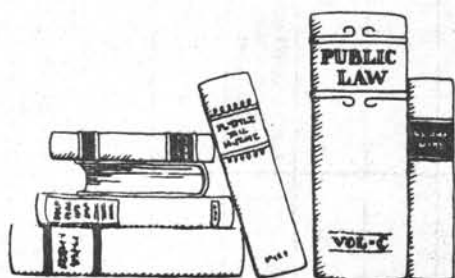
"It is not proper to tax the costs of the court against the defendant in a criminal case when the case is dismissed or not prossed 'upon payment of the court costs.'

"Court costs and fees are assessable against the defendant in a criminal case only upon his conviction. There is no authority of law for taxing costs in the event the case against the defendant is not prossed or dismissed. Bilbro v. Drakeford, 78 Ala. 318; Melton v. State, 30 Ala. App. 136, 1 So.2d 920; Quarterly Reports of the Attorney General, Vol. 6, page 156; Vol. 54, page 118; Vol. 64, page 63."

Act 1205 did not apparently change this result. Section 16-118 of Act 1205 (now codified at Section 12-19-150(a), Code of Alabama 1975) states that fees "in criminal cases shall be assessed upon conviction; except that a judge may excuse payment of fees in any cases wherein the defendant serves an active jail sentence." It is, therefore, the opinion of the Department of Examiners of Public Accounts that orders taxing the defendant with costs without a determination of his guilt are not proper.

*(Continued on Page 17)*

## LEGAL NOTES



(Continued from Page 16)

### RULES 18 AND 19, RULES OF JUDICIAL ADMINISTRATION, AMENDED

Pursuant to a recommendation from the Alabama Supreme Court Standing Committee on the Rules of Judicial Administration, the Alabama Supreme Court has amended Rules 18 and 19 of the Rules of Judicial Administration.

By the adoption of these changes, the previously prescribed schedule of fines for traffic infractions found in Rules 18 and 19, ARJA, is now a suggested schedule only. District and municipal judges handling traffic cases should post any deviation in fines from this suggested schedule and coordinate the same with the court clerks and magistrates. Such schedule of fines must then be prominently displayed in the offices of the court clerks and magistrates pursuant to Rule 19(B)(1), ARJA.

Copies of the Alabama Supreme Court order amending these two rules may be obtained by contacting Melinda Mitchell, legal counsel, at the Administrative Office of Courts.

### NO PREPAYMENT OF DOCKET FEES REQUIRED IN CONDEMNATION ACTIONS FILED PURSUANT TO CODE OF ALABAMA 1975, SECTION 28-4-289

In our July issue of Court News, we

included an attorney general's opinion and reprinted it in its entirety. Essentially, the opinion determined that the state is liable for docket fees the same as an individual except in those cases where there is a specific exemption. Meaning that, except where exempted, the state must prepay civil docket fees the same as individuals.

It is our position that Code of Alabama 1975, Section 28-4-289, effectively provides such an exemption with respect to condemnation actions filed in dry counties pursuant to this section. As such, the state should not be required to prepay docket fees in such cases.

## Legislative Log

(Continued from Page 13)

(S.B. 210) liability defense, defective products. Act 599 (S.B. 314) amends criminal code, deadly force. Act 471 (S.B. 316) further criminal code revision. Act 674 (S.B. 347) municipal parole boards, prescribes duties of parole officers in granting and revoking paroles.

Act 705 (S.B. 349) corporate donations for political purposes. Act 819 (S.B. 394) Pensions and Security Department regulations. Act 820 (S.B. 395) consent for child adoption. Act 675 (S.B. 397) interstate compact on placement of children. Act 406 (S.B. 446) 13th Circuit, distribution of taxes. Act 421 (S.B. 462) Chambers County - salaries of officials. Act 776 (S.B. 557) sexual abuse in the first degree. Act 782 (S.B. 635) Shelby County jury service.

Any court official needing copies of legislative acts should contact Robert Martin or Melinda Mitchell at the AOC.



ALABAMA JUDICIAL COLLEGE										
CONTINUING EDUCATION PROGRAMS										
1980										
1979										
GROUP MONTH	CIRCUIT COURT JUDGES	DISTRICT COURT JUDGES	JUVENILE COURT JUDGES	MUNICIPAL COURT JUDGES	CLERKS AND REGISTERS	CLERK/REGISTER EMPLOYEES	COURT REPORTERS	JUDICIAL SECRETARIES	OTHER GROUPS	
1979 SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA SEP 13-14					NEW EMPLOYEE ORIENTATION TUSCALOOSA SEP 20-21			APPELLATE CONFERENCE BIFALUA SEP 13-14	
OCTOBER						REGIONAL SPECIALTY SEMINARS BIRMINGHAM, OCT 4-5 MONTGOMERY, OCT 11-12				
NOVEMBER	PRESIDING JUDGES TUSCALOOSA NOV 15-16								DWI INSTRUCTORS TUSCALOOSA NOV 1-2	
DECEMBER			ANNUAL CONFERENCE JOE WHEELER DEC 6-7							
1980 JANUARY	MID-WINTER CONFERENCE MONTGOMERY JAN 17-18									
FEBRUARY					MID-WINTER CONFERENCE BIRMINGHAM FEB 7-8					
MARCH			JUDICIAL SEMINARS TUSCALOOSA MAR 20-21							
APRIL	SPRING JUDICIAL SEMINARS TUSCALOOSA APR 24-25					SPECIALTY SEMINARS TUSCALOOSA APR 3-4				
MAY				ANNUAL CONFERENCE BIRMINGHAM MAY 10-11						
JUNE					SUMMER CONFERENCE GUNTERSVILLE JUN 19-21					
JULY	SUMMER CONFERENCE BIRMINGHAM JUL 16-17							ANNUAL CONFERENCE BIRMINGHAM JUL 10-11		
AUGUST						NEW EMPLOYEE ORIENTATION TUSCALOOSA AUG 7-8				
SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA SEP 25-26									

NOTE: Programs and detailed information on the following conferences have been mailed: Fall Judicial Workshop for Circuit & District Judges, Appellate Judges Conference, New Employee Orientation Sep. 20-21, and the CLE Criminal Code Seminars. Additional information may be obtained from Jim Berry at the AOC or Thelma Braswell at the Judicial College in Tuscaloosa.

## BY AOC PERSONNEL DIVISION

## CHANGES IN RECRUITMENT PROCEDURES ARE PLANNED FOR COURT CLERK POSITIONS

The Personnel Division of the AOC will implement the use of written tests in the recruitment of applicants to fill vacancies in the court clerk classifications, job codes 0761 through 0766. The tests were developed by members of the staff of the Department of Government and Public Affairs at Auburn University at Montgomery (AUM) in cooperation with the AOC. The questions are all job related, and were developed with the help of Subject Matter Experts (SME's) from all over the state. These SME's (highly qualified individuals in each court clerk classification) attended two sessions at AUM; the first a three-day task analysis session; and the second a meeting to review the questions developed from the tasks identified in the earlier sessions. Since

the examinations are based on tasks performed by employees on the job, they will have content validity, will be non-discriminatory, and should be an improvement over the current method (training and experience) of grading applicants from information on the application for employment.

An announcement closing out existing registers for the court clerk classifications has been published and, in the near future, job announcements for each classification will be published and distributed.

Each applicant on the closed-out registers will be contacted individually  
(Continued on Page 20)

REQUIREMENT	COURT CLERK I	COURT CLERK II
Qualifications	Graduation from a standard senior high school, or have GED equivalency.	Same educational requirements as for Court Clerk I, but supplemented by courses in typing & business practice, or have equivalent experience.  Applicants must have 12-24 months' experience in an attorney's, sheriff's office or other court related or qualifying experience. or 12-24 months' experience as a Court Clerk I.
New Application	Yes	Yes
Typing Test (37 wpm net with maximum of 12 errors) Pass-fail only, not to be used for ranking applicants	Yes	Yes for new applicants, but not required for promotion.
Written Test	Yes (Pass-fail only, not to be used for ranking applicants)	Yes (To be used for ranking applicants)

## CHANGES IN RECRUITMENT PROCEDURES ARE PLANNED FOR COURT CLERK POSITIONS

*(Continued from Page 19)*

and offered an opportunity to re-apply. Those on the closed-out Court Clerk I and II registers will not be required to re-take the typing test, but all applicants re-applying will be required to take the appropriate written test. The written tests will be given in the following cities: Alexander City, Birmingham, Dothan, Florence, Gadsden, Huntsville, Mobile, Montgomery, Selma, and Tuscaloosa.

It is planned that the first written test for the Court Clerk I classification will be given in October and the Court Clerk II tests will be scheduled in November. The schedule for tests for the higher classifications will be announced later, but as there are fewer applicants for the higher classifications, present plans are to complete the initial written tests for the Court Clerk III through VI registers in December and/or January. Once initial tests are completed, it is proposed that later tests will be scheduled as needs dictate, but most likely once a quarter.

The table on Page 19 outlines significant information relating to the building of the new registers for Court Clerk I and II positions.

It should be noted that since the Court Clerk I examination is to be graded on a pass-fail basis only, all the names on the register for the appropriate county will be certified to the administrator.

The Personnel Division of AOC will be making every attempt to make this transition as smooth as possible for all administrators and merit system employees. Most of your questions, if not answered above, will be answered in the job announcements to be published for each classification. However, if you wish to discuss any aspect of this new proced-

ure, you are invited to telephone Woody Parramore or Ginny Anderson in the AOC Personnel Division.

## ANNETTE HARDY CHAIRS

### RECORDS RETENTION COMMITTEE

Circuit Clerk and Register Annette Hardy of Lee County will chair a statewide committee to review state court records and prepare records retention schedules to be presented to the State Records Commission.

The work of the committee will be based on the statewide records inventory conducted by the AOC staff. During this inventory, all types of court records generated since 1819 were identified.

Members of the committee include: Circuit Judges Leslie Johnson of Florence and Randall Cole of Fort Payne, District Judge Jerry Fielding of Sylacauga and Retired District Judge Wesley Smith of Sylacauga, Circuit Clerks Fred Posey of Prattville and Elizabeth Hamner of Tuscaloosa, Register Jack Thompson of Guntersville and Winston Walker of the State Department of Archives and History.

Advisory members of the committee are: Mary Frances Price of Alex City, Gail McFerrin of Montgomery, Peggy Goodwin, deputy director of the Department of Youth Services, Montgomery; Barbara Montoya, chief probation officer, Montgomery; District Attorney Wayne Williams of Tuscaloosa and Bernard Sykes of the attorney general's office.

## AOC, CLERKS TO MEET

### ON INDEXING SYSTEMS

The AOC staff has planned meetings with representatives of the Clerks and Registers Association to discuss the improvement of indexing systems. Several factors such as cost effectiveness, microfilm applications, computer technology and space savings will be on the agenda. Based on the recommendations of these representatives, the AOC will later issue some policy guidance concerning indexing.



**OVER FIRST SIX MONTHS OF '78****STATE'S TRIAL JUDGES****INCREASE DISPOSITIONS 17%**

The state's circuit and district judges increased disposition of cases by 17% during the first six months of 1979 over the same period in 1978. This was accomplished in spite of a 7.6% increase in filings during the same months.

Statewide caseload statistics for the first six months of 1979 reflect a significant increase in case filings over the same period a year ago. In circuit courts, case filings increased by 7% and, in the district courts filings increased by 8.2%. Despite this increase, case dispositions have more than kept pace with the increase in filings. Statistics for the first six months of 1979 indicate a 12.1% increase in circuit court dispositions and a 21.7% increase in district court dispositions over the first six months in 1978. As a result of this improved case disposition rate, circuit court pending has increased by only 1.4% and district court pending has decreased by 2.3% since January 1, 1979.

The caseload trend for the trial courts indicates that there has been a serious and affirmative response by the circuit and district judges to Chief Justice Torbert's call for reducing the state's pending caseload. As a result, the trial courts are reaching the point where there are more cases being disposed than filed. In 1978, the statewide throughput (dispositions ÷ filings) was 98% for circuit court and 94% for district court. During the first six months of this year, the statewide throughput statistics reflect a 99% throughput for circuit court and a 101% throughput for district court. The continuation of the current caseload trend may see the trial courts reaching the throughput and case currency goals established by the chief justice by the end of this calendar year.

**DISCOUNT ON RENTAL VEHICLES****AVAILABLE TO STATE EMPLOYEES**

The State of Alabama has signed contracts with two vehicle rental agencies in order to obtain overall lower rental rates on a nationwide level. The contracts were established on sealed bids and were awarded to the Hertz Corporation and Budget Rent-A-Car Corporation for the period July 1, 1979, through June 30, 1980.

The discount is also available to state employees when renting Hertz or Budget cars for personal use.

The Administrative Office of Courts is in the process of finalizing arrangements with the two companies as to how a State Identification number is to be made available to each employee. All court officials will be notified within the next two weeks as to how each employee can take advantage of these discounts. In the interim, all employees should utilize one of these two companies when renting a vehicle for business use and must attach a receipt from either company to all claims for reimbursement. If neither company is available and rental must be made with another agency, a letter of explanation must be attached to claims for reimbursement. If necessary, contact:

The Hertz Corporation  
Ms. Sherrye Smith  
4437 Rich Road  
Montgomery, AL 36108

Budget Rent-A-Car Corporation  
Mr. Ron Bartlett  
8 North Third Street #730  
Memphis, Tennessee 38103

**COURT REPORTERS MEETING POSTPONED**

The Annual Conference of Court Reporters which was scheduled to be held in Birmingham on September 28 and 29, 1979, has been postponed. Current plans are to reschedule this conference in early 1980.

**COURT NEWS**

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

COURT NEWS, Volume 3, Number 8, newsletter of the Alabama Judicial System, is published monthly as an informational and educational service to state judicial officials and personnel. Inquiries should be addressed to Administrative Office of Courts, 817 South Court Street, Montgomery, AL 36130, Robert Martin, assistant director and editor. Telephone: (205)834-7990 or 1-800-392-8077 (toll free).

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ALLEN L. TAPLEY  
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F. MURLAND SMITH, President  
Association of Circuit Judges  
MELVIN E. GRASS, President  
Association of District Judges  
JAMES S. GARRETT, President  
Association of Municipal Judges  
JOHN W. DAVIS, President  
Association of Juvenile Court Judges  
MORRIS MOATTS, President  
Association of Clerks and Registers  
DALE TYLER, President  
Shorthand Reporters Association  
SUE PATTERSON, President  
Circuit Judges' Secretaries Association  
MARGIE WETZEL, President  
District Judges' Secretaries Association



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**ADMINISTRATIVE OFFICE OF COURTS**  
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