

# COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

Volume 4/Number 8

August, 1980

## COURT RECORDS PROGRAM

### INITIAL PHASES COMPLETE; COUNTIES NAMED FOR PILOT MICROFILM PROJECT

Unless destroyed by fire or act of God, every paper ever filed in Alabama's courts is still there. Since 1811, the earliest court records discovered to date, the courts have been inundated with legal records.

This accumulation throughout the past 170 years has left courthouses with mountains of paper work and increasingly less room to work.

In 1977, the Records Management Team, led by Deborah Hay and Randy Helms of the Administrative Office of Courts, began the monumental task of wading through the rubble inventorying court records.



*DEB HAY OF AOC... displays docket book destroyed by termites. This display subsequently ended up as an exhibit to the legislature for the records program.*

The team met conditions like bats living behind shelves of records in one county. They found rats nesting among the records in another county. Termites had destroyed many records in two counties. While inventorying records in the basement storage area of one courthouse, they had to wear mittens and toboggans to keep the snow from freezing them. They have stood knee-deep in legal papers trying to make heads and tails



*LEE COUNTY COURTHOUSE RECEIVES... exterior facelift. History of the county courthouse and plans for construction of a new Justice Center outlined in story on Page 3 of this issue.*

out of records. And they have literally shoveled up piles of decayed insect-infested court records.

In September 1979, Phase I of the Alabama Courts' Records Program--the inventory--was completed.

The following month, Phase II was initiated with work on the Records Retention Schedule. "The Retention Schedule gives a record program direction and scope," said Miss Hay, records management analyst with AOC. "The results are three-fold; records destruction, temporary storage or permanent storage. The immediate disposal of records will result in the destruction of approximately one-third of the paper bulk now cluttering the courthouses.

"Temporary storage allows records  
*(Continued On Page 2)*

## COURT RECORDS PROGRAM

### INITIAL PHASES COMPLETE; COUNTIES NAMED FOR PILOT MICROFILM PROJECT

*(Continued From Page 1)*

having fiscal, administrative or legal requirements to be maintained as they are until they are no longer needed and can be destroyed or stored permanently. Permanent or archival storage ensures that the historically valuable materials are saved for posterity," Miss Hay said.

For the establishment of the retention and destruction schedules, Chief Justice C.C. Torbert Jr. appointed a committee of 15 court and state officials to work with AOC staffers Miss Hay and Helms.

On July 22, 1980, Lee County Clerk Annette Hardy, chairman, Miss Hay and Helms of the court records retention committee met with the State Records Commission to adopt the proposed retention schedule. The committee had spent months drafting the proposed schedule. The state legislature, in Act 80-636, 1980 Regular Session, allowed for the destruction of such records under the schedule that the committee deemed appropriate, after consultation with the State Records Commission.

The final step in the approval of the schedule would be complete with the adoption of the schedule as a rule by the Supreme Court. It is anticipated that the Supreme Court will discuss the Records Retention Schedule soon and should they adopt it as a rule, plans to begin implementation during the upcoming fiscal year will continue.

"This is a massive undertaking which has never been done in Alabama," said Administrative Director of Courts Allen L. Tapley. "Alabama has done much in the area of court reform, and this project will be one of the most important thus far. It is an example of government operating efficiently and progressively.

"Not only will the Records Program free up approximately one-third of the space now used to store these records, it will allow for easy retrieval of these records by court officials and the public and it will allow for an orderly on-going means of storing records in the future.

It will provide savings in terms of cost, space and time for the state government and particularly for county governments which are now burdened with the responsibility of storing these records," Tapley continued.

The pilot areas chosen for the initial implementation are Greene, Chilton, Bibb and Jefferson Counties.

Due to the enormous size of Jefferson County, which will continue to experience storage problems, an in-house microfilm program will begin there this year under the direction of Circuit Clerk Polly Conradi. It is hoped that Mobile will begin a similar program next year.

The microfilm project for the rural counties will be undertaken in Montgomery at the Department of Archives and History. Beginning in fiscal year 1980-81, records from these counties will be transported to Montgomery where the permanent books will be microfilmed, others will be disposed and others will be transferred to the State Department of Archives.

Permanent copies of the microfilmed material will be stored in a maximum security underground center in Flora, Miss., and a file copy will be returned to the court. Each of the pilot courts will be equipped with a reader/printer for use with the microfilms.

"These counties were chosen because they share similar storage problems and they are in the same geographical area of the state," Miss Hay explained. "Two of them have off-site storage and we are working to get these records back into the courthouse," she continued.

"The cost of setting up a lot of in-house equipment in the smaller counties would be enormous. Filming the records in Montgomery will allow us to achieve a consistently high-quality film and will help protect the camera from damage during repeated moves," she said.

The project is expected to move at an initial rate of six docket books per day, and the average time for filming an entire county's records will be approximately three months.

"Other counties to be filmed will be determined as the pilot project nears an end," Miss Hay said.

Members of the Records Retention Committee are listed in this issue on Page 4.

## LEE COUNTY COURTHOUSE UNDER REPAIR; NEW JUSTICE CENTER PLANS IN COMMITTEE

Lee County, the home of Auburn University, Alabama Gov. Fob James, Alabama Chief Justice C.C. "Bo" Torbert Jr. and Administrative Director of Courts Allen L. Tapley, was created in 1866 from portions of Chambers, Macon, Tallapoosa and Russell Counties.

Named after General Robert E. Lee, the county boasts a population of 71,000--the 12th largest in the state. The county seat, Opelika, was settled in 1836/37 and was incorporated in 1854. The name, Opelika, is Creek Indian meaning "Great Swamp," although there are no swamplands in Lee County. The region which is now Lee County was part of the Creek land cession at the Treaty of Cusseta in 1832.

The present and second\* Lee County Courthouse stands near downtown Opelika and the two-story neo-classical revival structure is a remnant of late-1800 architecture. Completed in 1898, it has a central section with two wings. The central section has a portico supported by six round fluted columns. The columns also support the roof pediment.

The windows are the most outstanding architectural feature on the front of the wings. Above the double entrance doors on the second story are palladian windows. The building has a metal frieze with elaborate tool work.

Above the pediment there is a square brick steeple capped by a clock tower. On the same level with the clock are palladian type louvre windows flanked by Corinthian towers. Above the clock is a simple circular cornice surmounted by a circular dome.

But with all its potential beauty, the condition of the courthouse inspired the Opelika-Auburn News to run this report: "State and local fire inspections have concluded 'a fire is just waiting to happen.' Records can't be stored in its basement because of flooding when it rains. Curling paint decorates the courtroom and pigeon feathers float out of the air vents in the circuit judge's office.

*\*Little information is available about the first county courthouse constructed in 1866--soon after the county's creation. It is believed the structure was brick and frame and stood across the street from the present courthouse.*



LEE COUNTY COURTHOUSE

"The house of horrors described above is the county's most important building--within its walls are the Probate Court, the Circuit Court, the county jail and Sheriff's Department, the Tax Assessor and Tax Collector's offices and the District Attorney's office and a history of Lee County as told by deeds, maps, receipts and minutes of the county's ruling body, the Lee County Commission. Yet the history and facility face imminent danger from the elements--fire, water, decay--or the distinct possibility of being lost in the crowded storerooms that have become little more than trash heaps."

The Lee County Commission, recognizing the imminent danger to the records and the aging deterioration of the courthouse, which was placed on the National Register of Historic Places in 1973, devised a plan for a Justice Center for the county which would incorporate massive renovation of the present courthouse and include a large addition off the rear. These plans went to the county's citizens for a vote in May of 1978 for a sales tax referendum but was defeated.

Now, according to Probate Judge Hal

*(Continued On Page 4)*

## LEE COUNTY COURTHOUSE UNDER REPAIR; JUSTICE CENTER PLANS IN COMMITTEE

(Continued From Page 3)

Smith, the plans are in the hands of a citizens advisory committee which will propose an alternate plan for the location, size and means of funding.

"The committee has made no formal recommendations as yet, but I feel like this proposal will be coming shortly," Smith said.

The original plan to build onto the present structure has, for the most part, been abandoned since it was felt that space and cost would be major hinderances. And, Smith added, it was also felt that there was no real need to group everyone together. In the plan, the court offices including the judges, courtrooms, court reporters, bailiffs, law clerks, the county law library, district attorney's office, sheriff office and jail along with facilities for jurors, would be located in the new Justice Center. To remain in the historic courthouse would be the county's administrative offices--probate office, county commission chambers, tax assessor, tax collector and school board offices.

Meanwhile, the county has received a \$30,000 grant from the State Historical Commission for a \$107,000 "facelift" to the exterior of the courthouse which is currently underway. The county will be footing the remainder of the bill.

The clock and tower are being renovated and the columns adorning the front of the courthouse are being revamped. Some of the fancy design work that has been destroyed by wind and age is being restored to its original state.

"In the next fiscal year, we hope to receive additional funding from the Historical Commission for additional work to the courthouse," Smith said.

### HEFLIN-SPONSORED STATE COURT

#### IMPROVEMENT BILL PASSES SENATE

U.S. Senator Howell Heflin's bill designed to improve the quality of justice in the nation's state and local courts has passed the Senate.

The State Justice Institute Act, which

will establish a national independent non-profit corporation to provide federal assistance to state judiciaries, gained full Senate approval without a single objection.

"The quality of justice in the United States is largely determined by the quality of justice in our state and local courts," Heflin said.

The Alabama Senator noted that state and local courts handle a full 96 percent of all cases litigated in the U.S.

Heflin, who as Alabama chief justice spearheaded the state's massive court modernization program, said the federal government has significantly increased caseloads in state courts.

"Recent U.S. Supreme Court decisions and Congressional actions have placed an increasing burden on the state courts," Heflin explained. "The State Justice Institute will provide technical and financial assistance to state judiciaries while ensuring the independence of state courts from federal control."

Heflin explained that the State Justice Center would provide funds for research and development programs with national application which would be beyond the resources of any single state judicial system.

### RECORDS RETENTION COMMITTEE

These members of the Alabama Records Retention Committee have met monthly for the past year, drawing up the proposed retention schedule which was approved by the State Records Commission July 22, 1980.

The members of the committee appointed by Chief Justice C.C. Torbert Jr. are: Clerk and Register Annette Hardy, chairman, Lee County; Circuit Judges Leslie Johnson, 11th Circuit, and Randall Cole, 9th Circuit; District Judge Jerry L. Fielding, Talladega County; Retired District Judge Wesley Smith, Sylacauga; Clerk and Register Fred Posey, Autauga County; Register H. Jack Thompson, Guntersville; District Clerk Elizabeth Hamner,

(Continued On Page 6)

## JUDGES, EDUCATORS RESPONDING WELL TO PILOT SCHOOL PROGRAM PROJECT

Earlier this year, Administrative Director of Courts Allen L. Tapley requested presiding judges of eight target circuits to participate this summer and upcoming school year in a pilot project designed to teach young people about the courts and the law.

The presiding judges have responded enthusiastically to Tapley's request. With the support and assistance of other circuit and district judges, clerks, registers and other court employees, the presiding judges have arranged for Bob Martin, director of administrative services for the Administrative Office of Courts, and Ceil Copeland of his staff to meet with local judges, court officials, lawyers, superintendents, principals and social studies teachers in an effort to promote court- and law-related curricula in the local school systems.

Judge Newton B. Powell, 8th Judicial Circuit, arranged the first of these meetings in June. Judges Randall L. Cole, 9th Judicial Circuit, P. Ben McLaughlin, 33rd Judicial Circuit, Paul L. Miller, 26th



*BOB MARTIN (LEFT) OF AOC PRESENTS MATERIALS available for teachers to use in law-related curricula. Presiding Judge P. Ben McLaughlin of the 33rd Judicial Circuit (next to Martin) and Dale County District Judge T.L. Borom (far right) talk with local educators about program.*

Judicial Circuit and Inge Johnson, 31st Judicial Circuit, have arranged meetings with their local educators this month. Judge Jack C. Riley, 32nd Judicial Circuit, has one planned for mid-September.



*JUDGE RANDALL L. COLE, 9TH JUDICIAL CIRCUIT talks with DeKalb and Cherokee County educators.*

"The purpose of these meetings is to encourage state educators to teach young people about the judicial process, the law and how it affects our daily lives. We do not try to promote any particular teaching strategy or method. We merely inform them of the various teaching aids available from our office and discuss with them several law- and court-awareness programs already in progress around the state and encourage them to initiate similar programs in their schools," said Martin.

State educators have been very receptive to the AOC public information program. Several county and city school systems not included in the eight targeted areas have heard of the program and have invited Martin and Ms. Copeland to speak to their local educators. This month, Ms. Copeland met with Baldwin County and Seale city (Russell County) social studies teachers to discuss methods for teaching young people about the law and our system of justice.

It is hoped that these initial meetings will result in an effective and on-going educational program for the next and successive school years.

"AOC staff members are now in the process of developing a more formalized plan for future years. Public education is a slow process, which will show results only after a concerted effort over a long period of time," said Tapley.

"But we feel that such a program will-- in the long run--improve the public's perception of the courts and the judicial system as a whole," Tapley continued.

## SENIORITY LIST REVISED FOR ALABAMA CIRCUIT JUDGES

Several revisions have been made to the seniority list for circuit judges. Should there be any additional corrections to the list below, please contact Nancy Morochnick at the Administrative Office of Courts.

AUGUST 1990			
NAME	CIRCUIT	HOME	TOOK OFFICE
1. NEWTON B. POWELL	8TH	DECATUR	NOVEMBER 25, 1946
2. GARDNER G. GOODWYN	10TH	BESSEMER	AUGUST 1, 1950
3. THOMAS E. HUEY, JR.	10TH	BIRMINGHAM	FEBRUARY 8, 1951
4. WALLACE GIBSON	10TH	BIRMINGHAM	FEBRUARY 11, 1957
5. WILLIAM C. SULLIVAN	29TH	TALLADEGA	JULY 3, 1958
6. F. MURLAND SMITH	22ND	ANDALUSIA	OCTOBER 27, 1958
7. JACK M. WALLACE	3RD	CLAYTON	JANUARY 20, 1959
8. JOSEPH M. HOCKLANDER	13TH	MOBILE	MARCH 23, 1961
9. JOHN W. GREEN	23RD	HUNTSVILLE	JANUARY 15, 1963
10. CLAUDE B. HUGHES	10TH	BIRMINGHAM	SEPTEMBER 1, 1964
11. RILEY P. GREEN, JR.	12TH	TROY	OCTOBER 1, 1964
12. ROBERT M. PARKER	7TH	ANNISTON	NOVEMBER 16, 1964
13. T. LEON BEAIRD	14TH	JASPER	JANUARY 17, 1965
14. FRED W. NICOL	6TH	TUSCALOOSA	JANUARY 18, 1965
15. DOUGLAS S. WEBB	21ST	BREWTON	JANUARY 18, 1965
16. WILLIAM C. BARBER	10TH	BIRMINGHAM	APRIL 1, 1965
17. ROBERT E. L. KEY	35TH	EVERGREEN	OCTOBER 4, 1965
18. FERRILL D. McRAE	13TH	MOBILE	NOVEMBER 19, 1965
19. JAMES B. WAID	26TH	GADSDEN	JULY 18, 1966
20. THOMAS N. YOUNGER	23RD	HUNTSVILLE	NOVEMBER 8, 1966
21. JOE MACON	19TH	WETUMPKA	NOVEMBER 21, 1966
22. JAMES O. HALEY	10TH	BIRMINGHAM	JUNE 5, 1968
23. JOHN DAVID SHODGRASS	23RD	HUNTSVILLE	AUGUST 13, 1968
24. KENNETH F. INGRAM	18TH	ASHLAND	OCTOBER 11, 1968
25. JOHN B. TALLY	38TH	SCOTTSBORO	NOVEMBER 15, 1968
26. G. ROSS BELL	10TH	BIRMINGHAM	DECEMBER 1, 1968
27. RICHARD L. HUNDLEY	8TH	DECATUR	JANUARY 2, 1969
28. BILLY C. BURNEY	36TH	MOULTON	MARCH 6, 1969
29. JOSEPH J. JASPER	10TH	BIRMINGHAM	MAY 26, 1969
30. EDGAR P. RUSSELL, JR.	4TH	SELMA	JULY 18, 1969
31. ARTHUR E. GAMBLE, JR.	2ND	GREENVILLE	NOVEMBER 20, 1969
32. ELWOOD L. HOGAN	13TH	MOBILE	JANUARY 12, 1970
33. KENNEDY WILLIAMS	34TH	RUSSELLVILLE	SEPTEMBER 22, 1970
34. ROBERT E. HODNETTE, JR.	13TH	MOBILE	NOVEMBER 1, 1970
35. WILLIAM H. COLE	10TH	BIRMINGHAM	JANUARY 18, 1971
36. W. G. HAWKINS	9TH	FT. PAYNE	JANUARY 18, 1971
37. CLARKE E. JOHNSON, JR.	27TH	ALBERTVILLE	JANUARY 18, 1971
38. CARLTON MAYHALL, JR.	25TH	HAMILTON	JANUARY 18, 1971
39. WILLIAM P. POWERS	29TH	TALLADEGA	JANUARY 18, 1971
40. JACK C. RILEY	32ND	CULLMAN	JANUARY 18, 1971
41. JAMES STRICKLAND	13TH	MOBILE	JANUARY 18, 1971
42. J. EDWARD TEASE	11TH	FLORENCE	JANUARY 18, 1971
43. MICHAEL E. ZOGHBY	13TH	MOBILE	JANUARY 18, 1971
44. JOSEPH A. COLQUITT	6TH	TUSCALOOSA	SEPTEMBER 1, 1971
45. THOMAS B. COGGIN	8TH	DECATUR	MAY 15, 1972
46. WILLIAM I. BYRD	5TH	ALEX. CITY	FEBRUARY 23, 1973
47. GEORGE H. WRIGHT, JR.	37TH	AUBURN	SEPTEMBER 14, 1973
48. H. E. HOLLADAY	30TH	PELL CITY	OCTOBER 5, 1973
49. FRED C. FOLSOM	32ND	CULLMAN	OCTOBER 24, 1973
50. JERRY M. WHITE	2ND	DOTHAN	NOVEMBER 21, 1973
51. CHARLES R. CROWDER	10TH	BIRMINGHAM	DECEMBER 6, 1973
52. CHARLES H. NICE, JR.	10TH	BIRMINGHAM	FEBRUARY 1, 1974
53. CLAUD D. NEILSON	17TH	DEMOPOLIS	FEBRUARY 23, 1974
54. WILLIAM A. THOMPSON	10TH	BIRMINGHAM	MAY 21, 1974
55. WILLIAM D. PAGE	23RD	HUNTSVILLE	NOVEMBER 13, 1974
56. S. A. WATSON, JR.	23RD	HUNTSVILLE	NOVEMBER 13, 1974
57. RANDALL L. COLE	9TH	FT. PAYNE	NOVEMBER 15, 1974
58. HARRY J. WILTERS, JR.	28TH	BAY MINETTE	JANUARY 9, 1975
59. PERRY O. HOOPER	15TH	MONTGOMERY	JANUARY 21, 1975
60. WALTER G. BRIDGES	10TH	BESSEMER	FEBRUARY 10, 1975
61. DON P. BENNETT	20TH	DOTHAN	OCTOBER 9, 1975
62. JOHN W. DAVIS	15TH	MONTGOMERY	OCTOBER 17, 1975

AUGUST 1990

NAME	CIRCUIT	HOME	TOOK OFFICE
63. RANDALL THOMAS	15TH	MONTGOMERY	OCTOBER 17, 1975
64. CYRIL L. SMITH	16TH	GADSDEN	OCTOBER 31, 1975
65. JOHN N. BRYAN, JR.	10TH	BIRMINGHAM	NOVEMBER 13, 1975
66. W. LOY CAMPBELL	33TH	SCOTTSBORO	DECEMBER 5, 1975
67. P. BEN McLAUCHLIN, JR.	33RD	OZARK	APRIL 19, 1976
68. JEROME B. BAIRD	6TH	TUSCALOOSA	JUNE 1, 1976
69. WALTER C. HAYDEN, JR.	19TH	LAHTON	JUNE 1, 1976
70. JAMES A. AVARY	5TH	LA FAYETTE	JUNE 16, 1976
71. JAMES C. BROTHERTON	14TH	JASPER	JUNE 22, 1976
72. TERRY L. BUTTS	12TH	ELBA	AUGUST 2, 1976
73. HOBBY G. RAINS	16TH	GADSDEN	AUGUST 2, 1976
74. PAUL J. MILLER, JR.	26TH	PHENIX CITY	NOVEMBER 8, 1976
75. LEWIS H. LACKEY, JR.	6TH	TUSCALOOSA	NOVEMBER 10, 1976
76. J. C. NORTON	4TH	SELMA	NOVEMBER 29, 1976
77. MARVIN CHERNER	10TH	BIRMINGHAM	DECEMBER 15, 1976
78. JOSH MULLINS	10TH	BIRMINGHAM	DECEMBER 15, 1976
79. MALCOLM STREET, JR.	7TH	ANNISTON	DECEMBER 15, 1976
80. WILSON HAYES	28TH	BAY MINETTE	DECEMBER 17, 1976
81. CARL D. McSMITH	30TH	ONEONTA	DECEMBER 17, 1976
82. JAMES T. GULLAGE	37TH	OPELIKA	DECEMBER 22, 1976
83. JAMES E. WILSON	14TH	JASPER	DECEMBER 22, 1976
84. J. RICHMOND PEARSON	1ST	CHATON	DECEMBER 27, 1976
85. C. W. CALLAWAY	10TH	BIRMINGHAM	JANUARY 3, 1977
86. JULIUS S. SWANN, JR.	16TH	GADSDEN	JANUARY 3, 1977
87. LESLIE G. JOHNSON	11TH	FLORENCE	JANUARY 3, 1977
88. JOSEPH D. PHELPS	15TH	MONTGOMERY	JANUARY 4, 1977
89. BRAXTON KITTRELL	13TH	MOBILE	JANUARY 10, 1977
90. CLAUDE HARRIS	6TH	TUSCALOOSA	JANUARY 6, 1977
91. BOBBY R. ADERHOLT	25TH	HALEYVILLE	JANUARY 11, 1977
92. CLATUS K. JUNKIN	24TH	FAYETTE	JANUARY 11, 1977
93. HARDIE B. KIMBROUGH	1ST	GROVE HILL	JANUARY 11, 1977
94. CHARLES H. DODSON	13TH	MOBILE	JUNE 3, 1977
95. JOE G. BARNARD	10TH	BIRMINGHAM	JULY 27, 1977
96. SAM W. TAYLOR	15TH	MONTGOMERY	AUGUST 15, 1977
97. HENRY W. BLIZZARD	39TH	ATHENS	JUNE 1, 1978
98. DANIEL B. BANKS	23RD	HUNTSVILLE	SEPTEMBER 1, 1978
99. WILLIAM R. GORDON	15TH	MONTGOMERY	NOVEMBER 21, 1978
100. WAYNE JOHNSON	26TH	PHENIX CITY	DECEMBER 8, 1978
101. JAMES T. SLOAN, JR.	7TH	ANNISTON	JANUARY 15, 1979
102. HAROLD WALDEN	13TH	COLUMBIANA	JANUARY 16, 1979
103. INGE JOHNSON	31ST	TUSCUMBIA	JANUARY 16, 1979
104. DAN REYNOLDS	10TH	BESSEMER	MARCH 16, 1979
105. WILLIAM H. BALDWIN	22ND	ANDALUSIA	MAY 9, 1979
106. J. RONALD STOREY	20TH	DOTHAN	JULY 1, 1979
107. WILLIAM D. JETTON	27TH	GUNTERSVILLE	OCTOBER 1, 1979
108. WADELL C. ZANIATY, JR.	10TH	BIRMINGHAM	OCTOBER 19, 1979
109. CAIN KENNEDY	15TH	MOBILE	DECEMBER 1, 1979
110. SAM MONK	7TH	ANNISTON	DECEMBER 1, 1979
111. ROBERT R. ARMSTRONG, JR.	18TH	COLUMBIANA	JANUARY 7, 1980
112. W. PRIDE TOMPKINS	31ST	TUSCUMBIA	MARCH 11, 1980
113. HOWARD F. BRYAN	5TH	LA FAYETTE	APRIL 15, 1980

## RECORDS RETENTION COMMITTEE MEMBERS

(Continued From Page 4)

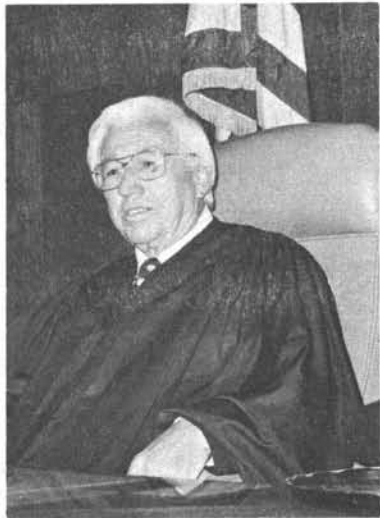
Tuscaloosa; Winston Walker, Department of Archives and History. Advisory members to the committee are Court Reporters Mary Frances Price, Alexander City, and Gail McFerrin, Montgomery; Peggy Goodwin, deputy director, Department of Youth Services; Chief Probation Officer Barbara Montoya, Montgomery County Youth Facility; District Attorney Wayne Williams, Tuscaloosa; and District Attorney Nathan Watkins of York.

Chief Justice Torbert expressed his appreciation to each for having served.

# PEOPLE \* PEOPLE

**I** think it is quite unique to go through life and never experience middle age."

This wry comment intoned by Escambia County District Judge *Hugh Rozelle* was made as he announced to members of the local media that he would retire at the end of his present term--next January.



JUDGE HUGH ROZELLE

When Judge Rozelle first began practicing law "'Old Judge Hare' from Monroeville and possibly former Judge Elliott called me 'boy' because Lee tts and I were the youngest members of the bar," he reminisced.

Referring to the lack of a cognomen in his middle years, Judge Rozelle notes that he is now called "The Old Judge."

Judge Rozelle is now serving his 14th year as district judge and positions which preceeded the 1975 unification of the county courts. Prior to his first election as judge in 1964, he served as a state legislator from Escambia County.

He says that after retirement, he wants to "launch some new projects like writing, traveling and lecturing."

**A**labama Chief Justice *C.C. Torbert Jr.* has been elected to the board of directors of the American Judicature Society.

The society is a national organization founded to promote the effective administration of justice through judicial improvements and court modernization. It is made up of lawyers, judges and non-lawyer citizens.

Torbert also serves on the executive committee of the Conference of Chief Justices and recently addressed its annual meeting.

**T**om Young Jr., who worked for some time at the Administrative Office of Courts as an administrative assistant and later as property manager, has been named assistant court administrator for Jefferson County.

Court Administrator Pete Summer said Young will be working predominately with the civil division of the court, setting court cases and following the flow of cases from the time they are filed until they are disposed.

**C**hief Justice C.C. Torbert Jr. recently announced the appointment of two new members of the Unified Judicial System Appeals Board effective Oct. 1. *Bill Kynard*, Dallas County clerk and register, will replace *Julia L. Trant*, Houston County clerk. *LaRue M. Ward* of the Jefferson County circuit clerk's office will replace *Claudene C. Perran* of the Cherokee County clerk's office.

Other members of the five-member board are Chairman Hardie B. Kimbrough, presiding circuit judge, 1st Judicial Circuit; Macon County District Judge Aubrey Ford Jr.; and retired District Judge Wesley Smith now residing in Sylacauga.



LARUE M. WARD

The chief justice voiced his appreciation to both Ms. Trant and Ms. Perran for their service on the board, and stressed the importance of this duty in welcoming the two new members to the board.



BILL KYNARD

The appeals board is established to provide a hearing for merit system employees who seek redress for a personnel action resulting in suspension or other demotion.

# PEOPLE \* PEOPLE

**T**wo Jefferson County lawyers have been appointed by Gov. Fob James to fill the posts made vacant by two retiring circuit judges in that county.

*N. Daniel Rogers Jr.* and *James S. Garrett* will fill judgeships made vacant by the Sept. 1 retirement of Judges *James O. Haley* and *Wallace Gibson*, respectively.

*Garrett*, former prosecutor in the district attorney's office of Jefferson County, has served as municipal judge for Vestavia Hills since 1976. He is presently president of the Alabama Association of Municipal Judges.

*Rogers* is a member of the Birmingham law firm *Corretti, Newsom and Rogers*. He has served as city attorney for Graysville.

**T**he Alabama Association of Court Clerks and Registers has made *Thelma Braswell*, director of the Alabama Judicial College, *Jim Berry*, assistant director of the College, and *Allen L. Tapley*, administrative director of courts, honorary members of its association.

In a resolution drawn up at the group's annual meeting in Guntersville in mid-June, the association cited the three for their "untiring efforts for the benefit of our Association." The induction of *Tapley*, *Ms. Braswell* and *Berry* was done by unanimous approval of the association.

**A**letha Rova, mother of *Janone Hall*, secretary to Circuit Judge *Jerry M. White* of the 20th Circuit, died Aug. 26. *Mrs. Rova* was employed in the Circuit Clerk's Office in Houston County prior to her resignation due to illness.

**R**obert A. Martin, *Frank Gregory* and *Rosemary Houk* of the Administrative Office of Courts attended the 79th Annual Convention of the National Shorthand Reporters Association in Atlanta Aug. 6-9. *Martin* and *Gregory* hosted a breakfast for the Alabama group on behalf of the AOC. Approximately 22 attended. Reporters from all over the United States and other parts of the world attended the meeting. *Martin* extended greetings to the group on behalf of Chief Justice *C.C. Torbert Jr.*

**W**oody Paramore, personnel officer for the Judicial System, recently returned from the 36th year reunion of his World War II bomber crew. Reliving the "old days" at the home of *John Steichen* outside Detroit, Mich., the group particularly remembered when the B-17 was hit and they had to make an emergency landing in neutral Switzerland. *Paramore* was the pilot of the "Flying Fortress." It was the first time most of the group had seen each other since the war.

**S**everal members of the Alabama Clerks and Registers Association recently returned from Snowmass, Colorado where they attended the Annual Conference of the National Association for Court Administration.

Those from Alabama attending the conference were: *Bobby Branum*, Butler County clerk; *Sam Grice*, Talladega County clerk; *Margie McLeod*, Lowndes County register; *Morris Moatts*, Chilton County clerk and register; *Robert (Shotgun) Giddens*, Clay County clerk and register; *Bill Kynard*, Dallas County clerk and register; *Barbara A. Pippin*, Calhoun County register; *John Bobby Green*, Blount County clerk and register; *Devon Kiker*, Russell County clerk; and *Joyce Martin*, Winston County register and president of the Alabama Association.

The educational and social portions of the conference were held in conjunction with the National Association of Trial Court Administrators. These two associations have a combined membership of approximately 800, and are the largest associations in the field of court administration.

Alabama has been selected as the site for the conferences for both associations in 1982, and *Branum* has been named conference chairman for NACA. *Branum* was also awarded the President's Award by outgoing president, *Gus LiCari*, for his work in Alabama on behalf of NACA.

*Sam Grice* was named education chairman for the 1982 joint NACA/NATCA conference by newly-elected president, *Colleen MoIskow* of Sioux City, Iowa. This was the 12th Annual Conference of NACA.

## PROFILE

### Judge John C. Tyson III

One might say that Alabama Court of Criminal Appeals Judge John Caius Tyson, III comes by the law kind of naturally.

With a great-uncle, John R. Tyson who was an associate justice and chief justice of the Alabama Supreme Court; a great-grandfather, Walter L. Bragg who was the first president of the Alabama Bar Association; and another great-grandfather who was in private law practice in Lowndesboro, Judge Tyson had quite large footsteps to follow.

After graduating from the University of Alabama Law School in 1950 and being admitted to the bar in 1951, he began his legal career with the Montgomery firm of Jones and Murray. In 1952, he opened his own office and in 1956, became associated with Charles H. Wompold. Together, he and Wompold established the firm known today as Volz, Capouano, Wampold and Sansone.

He continued there until 1960 when Attorney General MacDonald Gallion appointed him assistant attorney general. He served there through 1971, and in January 1972, Gov. George C. Wallace appointed him to the Alabama Court of Criminal Appeals. He has since been elected to two six-year terms on that court.

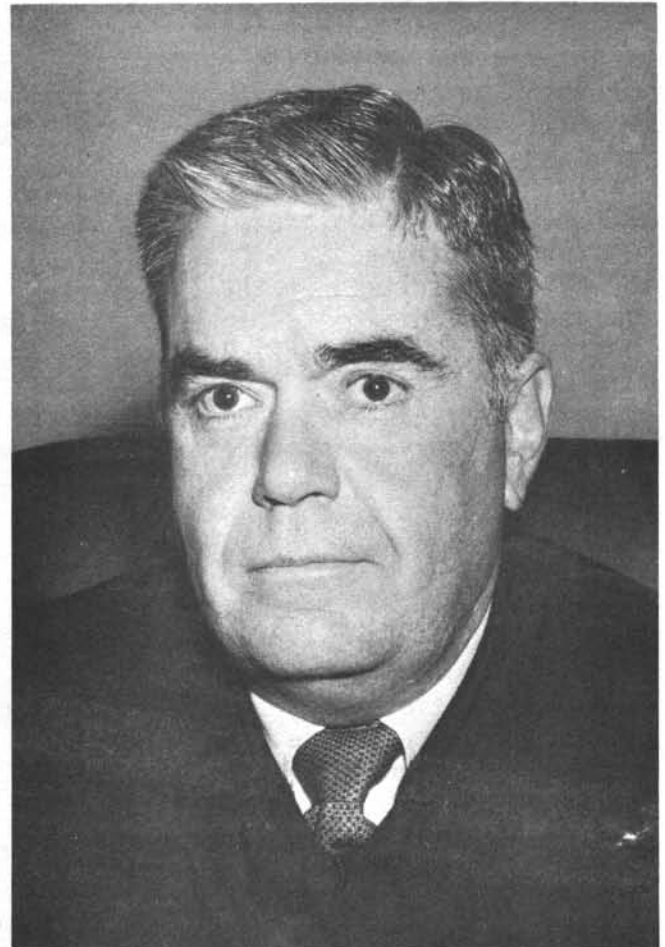
Judge Tyson's face lights up as he says "I love being a judge. I have always wanted to be a judge -- even since I was a young boy.

"Each term of court, I endeavor to write a minimum of 40 opinions," Tyson said.

Writing opinions and dealing with court work keeps Judge Tyson busy during business hours, but he also likes to make speaking engagements to talk about the courts.

"I feel like a judge has a responsibility to the public to keep them abreast of the courts and their activities and to let them know of the work which judges undertake and the problems they encounter. A judge must also be a good teacher," Tyson says.

Not only did Judge Tyson spend 10 years as lecturer at the University of Alabama and on the continuing legal education program of the Alabama Bar Association, he



*JUDGE JOHN C. TYSON III*

now spends a lot of time with his law clerks and others at the court teaching them aspects of the law.

"I take a great deal of pride when my law clerks leave here to go on with their professions, having coached and taught them in the law," he said.

He has pictures of all his law clerks hanging on his office wall as a reminder of each one.

Judge Tyson was born in Montgomery, the son of John C. Tyson Jr. and Virginia Bragg (Smith) Tyson. He attended public schools in Montgomery and Birmingham, Phillips High School, and was graduated from the Baylor School in Chattanooga, Tenn.

At 17, he enlisted in the United States

*(Continued On Page 10)*

## PROFILE: JUDGE JOHN C. TYSON III

*(Continued From Page 9)*

Coast Guard during World War II, and served in European waters on USS Klickitat and the USS English. After serving two years, he entered the University of Alabama, earning his B.S. and LL.B. degrees in four and one-half years. He has since attended the Appellate Judges Seminar at New York University, the Judicial Writing Seminar at the University of Colorado, Criminal Law Seminar at Arizona State University and the National College of the State Judiciary at the University of Nevada. He has contributed numerous articles to the Alabama Lawyer.

While assistant attorney general, Judge Tyson served as secretary of the Opinion Committee, editing opinions written by other assistants. He did trial work and worked on several real estate issues.

His most memorable event came when he closed the deal for all the land behind the state capitol. He also handled many land condemnations, represented licensing boards and closed up several large drug-gists who were involved in illegal drug dealings.

"The first case of this was handled by me when I was in the attorney general's office. I also worked with district attorneys throughout the state on post conviction cases and even handled some original cases when the district attorneys' offices were shorthanded," he explained.

The real estate area was not new to Judge Tyson, as his brothers and his father were involved with real estate sales in Montgomery. His grandfather, John C. Tyson Sr., served as mayor of Montgomery.

Outside his official role, Judge Tyson is a sports enthusiast--another area that one might say he comes by naturally.

A former "all city tackle," Tyson first attended the University of Alabama on a wrestling and golf scholarship. He is the son-in-law of Alabama football coach Paul "Bear" Bryant and his son, Marc, was recently named all-city in football, baseball and basketball. He plays quarterback for Montgomery Academy's team and was third-baseman for the 1978 state champion Montgomery Gray.

Judge Tyson is a former Eagle Scout with Gold Palm and now serves on the athletic committee of Auburn University at Montgomery. He plays golf regularly with several members of the appellate courts, and goes dove and quail hunting in season.

Among his former law clerks is Ed Hines who played end for the University of Alabama and who is the son of retired Circuit Judge William C. Hines of LaFayette.

When asked if his son, Marc, will follow in his father's footsteps, Tyson says, "he wants to play college sports, but his dad wants him to get business and law degrees. Right now, he is 'leaning' toward the University of Alabama."

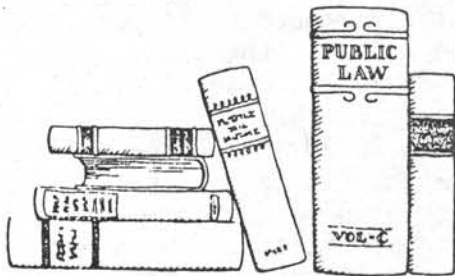
Judge Tyson is a member of the Montgomery County, Alabama and American Bar Associations; member of the Board of Directors of Montgomery YMCA; Montgomery Kiwanis; trustee and past president of Society of Pioneers of Montgomery; member of the American Legion; a Mason, Knights Templar and a Shriner. He is vestryman at St. Johns Episcopal Church and has taught Sunday School there for the past 20 years.

He was appointed by the Supreme Court to the committee which wrote the Canons of Judicial Ethics and now serves on the Standing Committee of Judicial Ethics. He is on the advisory council of the Alabama Judicial College and is a member of the Committee on Administration of Alabama Appellate Courts. He was elected in 1976 presiding judge of the Alabama Court of Criminal Appeals and served in that capacity until 1978.

He is married to the former Mae Martin Bryant of Tuscaloosa and they have two children, Mary Harmon and Marc.



## LEGAL NOTES



## SUPREME COURT CLERK OPINIONS

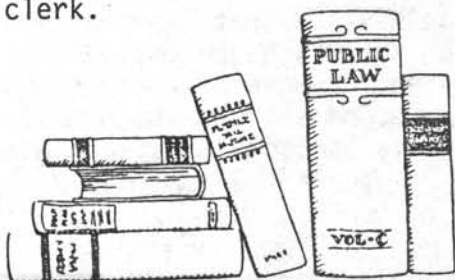
In Opinion No. 27, dated July 30, 1980, the clerk of the Supreme Court determined that the position of district court and municipal court magistrates as well as the position of warrant clerk as provided in Rule 18, Alabama Rules of Judicial Administration are offices under this state.

The clerk further concluded that such positions are not offices of profit under this state, when persons in those positions are appointed by the administrative director of courts without compensation.

In Opinion No. 28, dated Aug. 1, 1980, the clerk of the Supreme Court, citing Opinion 17, stated that the determining factor for whether a filing fee should be paid in contempt proceedings is whether the alleged contempt is direct or indirect.

A proceeding for indirect contempt, a contempt where all the facts necessary to constitute the contempt are not within the personal knowledge of the judge, should be treated as a separate and independent case and thus requiring a filing fee.

Any contempt for failing to obey an order to answer interrogatories filed by an opposing party is an indirect contempt. As such, the filing fee should be paid at the time of filing the petition or, if the petition is submitted directly to the judge, at the time the order, together with the petition, is filed in the office of the clerk.

ALABAMA JUDICIAL INQUIRY COMMISSION:  
SYNOPSIS OF ADVISORY OPINIONS

SYNOPSIS 80-LXXXIV--May a judge, at the request of a disbarred attorney, submit a letter to the board of bar commissioners in support of the attorney's application for reinstatement?

OPINION--Yes, provided the disbarred attorney will not be engaged in proceedings that would ordinarily come before the court. See amended Canon 2C.

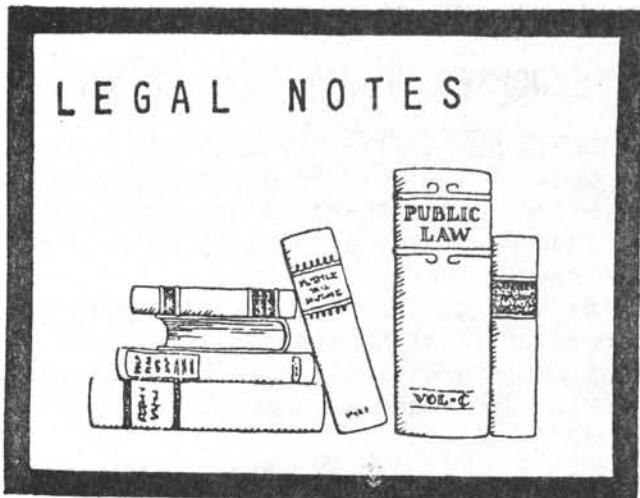
SYNOPSIS 80-LXXXV--May an incumbent judge, who is running for re-election to judicial office, publicly explain the basis of his rulings or sentences in criminal cases?

OPINION--No, except under the most extraordinary circumstances, a judge should refrain from commenting on specific cases in which he has participated, especially where such comment could compromise the validity of any ruling or order entered by him in such cases. This does not preclude a judge's commenting on his duty to set a reasonable bail and appoint counsel in criminal cases. Canon 3A(6) and 7B(1)(c).

SYNOPSIS 80-LXXXVI--What statements, with regard to litigation, may be made by an incumbent judge during the course of a political campaign?

OPINION--Under Canon 3A(6) and Canon 7B(1)(c) judges are specifically prohibited from commenting on pending litigation and announcing rulings in advance. However, it is further the opinion of the commission that during the course of his own political campaign, a judge may make general references to court records, statistics and procedures. A judge may also explain generally that sentences on guilty pleas, in the vast majority of cases, were upon the recommendation of the State, the officer, the victim or were dictated by law, and that the disposal of cases in this manner constitutes a useful tool for law enforcement and saves the taxpayers money. A judge may also comment on the probation statistics of his court and explain generally the useful effects of probation.

(Continued On Page 12)



## ALABAMA JUDICIAL INQUIRY COMMISSION; SYNOPSIS OF ADVISORY OPINIONS

*(Continued From Page 11)*

SYNOPSIS 80--LXXXVII--May a retired district judge engage in the practice of law? OPINION--No. See Section 12-18-62, Code of Alabama, 1975: "Any district judge who becomes a member of the retirement fund shall be prohibited from the practice of law." This provision of the law is not affected by the Canons of Judicial Ethics or the amendment of April 2, 1980 adding Section D, Compliance with the Canons.

### MISCELLANEOUS LEGAL NOTES

#### Local Purchasing

The Legal Division of AOC was recently asked whether it is a violation of any state law for a clerk, as local purchasing agent, to enter into a contract or purchase agreement for services with his or her son.

Section 5 of Act No. 821, Acts of Alabama, 1978, Codified at Section 12-19-10, Code of Alabama 1975, provides the procedure for purchasing equipment and office supplies locally, in lieu of the purchasing procedures proscribed in Chapter 4 of Title 41, Code of Alabama 1975.

Section 12-19-10, *supra*, provides that the circuit clerk of each county shall be the local court purchasing agent, but provides that the presiding circuit judge may designate additional officials as local

purchasing agents for offices other than the circuit clerk.

Two sections of the Alabama Code are particularly important in considering this question. First, the state ethics law in Section 36-25-11, Code of Alabama 1975, provides as follows:

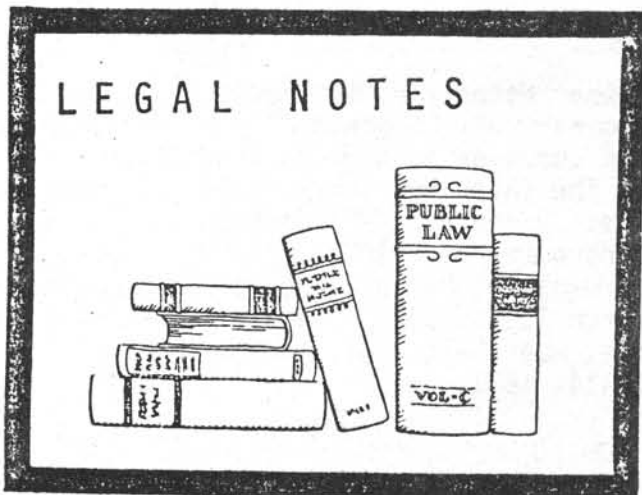
Section 36-25-11. Entering into contracts with state agencies. Unless exempted under Alabama competitive bid laws or otherwise permitted to do so under law, no public official or employee, or a member of his family, and no business with which any of them is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the commission. All such contract awards shall be made as a result of original bid takings, and no awards from negotiations after bidding shall be allowed. A copy of each contract, regardless of the amount, entered into by a public official, employee, family member and any business with which any of them is associated shall be filed with the State Ethics Commission.

Thus, unless the local court purchasing agent is exempted under the Alabama competitive bid law or is otherwise exempted by law, he/she must comply with Section 36-25-11, *supra*. The Administrative Office of Courts Legal Division finds no exemption either in the competitive bid law or Act No. 821, *supra*. Therefore, no local court purchasing agent may enter into any contract to provide goods or services with a member of his family unless the contract is awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the State Ethics Commission.

A family member is defined in Section 36-25-1(10), Code of Alabama 1975, as the employee's spouse and dependants. Mr. Howard McKenny with the State Ethics Commission advises that dependants are those persons for which the employee provides 50 percent or more of their support.

The second statute which must be considered is Section 13A-10-62, Alabama

*(Continued On Page 13)*



## MISCELLANEOUS LEGAL NOTES

### Local Purchasing

*(Continued From Page 12)*

Criminal Code, which provides as follows:

- Section 13A-10-62. Failure To Disclose Conflict of Interest. (a) A public servant commits the crime of failing to disclose a conflict of interest if he exercises any substantial discretionary function in connection with a government contract, purchase, payment or other pecuniary transaction without advance public disclosure of a known potential conflicting interest in the transaction. (b) A "potential conflicting interest" exists, but is not limited to, when the public servant is a director, president, general manager or similar executive officer, or owns directly or indirectly a substantial portion of any nongovernmental entity participating in the transaction. (c) Public disclosure includes public announcement or notification to a superior officer or the attorney general. (d) Failing to disclose a conflict of interest is a Class A misdemeanor.

It is the opinion of the Legal Division that a "potential conflicting interest" exists when a local purchasing agent executes an agreement to purchase supplies or services from a family member, as defined above. Therefore, unless the process of public notice and competitive bidding required in Section 36-25-11, supra, is complied with, thus eliminating the

substantial discretionary function of the local purchasing agent, such agent may also be in violation of Section 13A-10-62, supra, unless he makes a public disclosure as provided in Subsection (c) of Section 13A-10-62.

Mr. Howard McKenny with the State Ethics Commission has suggested that any questions concerning the ethics law be directed to the Alabama Ethics Commission. They are currently located at 312 Montgomery St., but will be moving to 100 Commerce St., Suite 501, in September. (Telephone-832-5871) Additionally, the AOC Legal Division will be available to assist you in resolving questions of a legal nature which may arise with respect to local purchasing procedures.

## PURCHASING CUT-OFF COINCIDES WITH FISCAL YEAR END

The accounting year for the Administrative Office of Courts will end on Sept. 30, 1980. This will coincide with the required fiscal year cut-off for all State agencies. Consequently, the financial operations of the State, such as the purchasing of supplies, forms and equipment, reimbursement for travel, request for postage, emergency repairs, etc., will be affected temporarily. The payroll process will not be affected by this cut-off. The purpose of the cut-off 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 for information and necessary action in order to plan around this temporary disruption of service.

(1) Purchase Orders: All purchases of supplies, forms, etc., will be cut off on Sept. 16, 1980. This operation will resume on Oct. 1, 1980. Therefore, needs should be projected for a period of approximately three weeks in order to avoid disruptions to office functions.

(2) Postage, Reimbursement for Travel, Emergency Repairs, Etc.: All expenditures of this nature will continue to be processed through Sept. 22, 1980. Any claims received after this date will be held and processed after Oct. 1, 1980.



## NEWS FROM THE JUDICIAL COLLEGE

### MANAGEMENT TRAINING SEMINARS SET FOR CLERKS AND REGISTERS

The Alabama Judicial College has organized a series of four seminars dealing with management training for the Unified Judicial System's clerks and registers. These seminars will be under the direction of Dr. James F. Cashman, associate professor of management and marketing at the University of Alabama's School of Commerce and Business Administration. Dr. Cashman has had extensive experience at working with management training through participation at the Management Institute, a University affiliate which provides seminars nationwide for managers in both public and private sectors.

These seminars will be offered twice each time--once in Birmingham and once in Montgomery; however, the program instructors and content will be the same. The seminars will be for clerks and registers only. Hopefully, next year, the College will be able to offer similar training for deputy clerks and other employees with supervisory responsibility.

The complete training package will be delivered in four seminar sessions. It is essential that the clerk or register attend one of each of the four sessions. Otherwise, the training will not be considered complete.

Seminar I is scheduled for Oct. 15-17 in Birmingham and Oct. 22-24 in Montgomery. Three other University professors will join Dr. Cashman in conducting portions of the seminars. These include Dr. Lonnie Strickland, associate professor of managerial policy presenting an Introduction to Management Systems followed by a workshop in Applications in Management Systems. Dr. Arthur Thompson, professor of economics and business administration, will discuss Managing for Effectiveness and Results. He will be followed by Dr. Ronald Phillips, professor of industrial management working with Managing by Objectives. The final session will be directed by Dr. Cashman and will be dealing with Managing for Control.

The Birmingham seminars will be at the Quality Inn on Oxmoor Road at I-65 and the Montgomery seminars will be at the Down-

towner Motor Inn, 120 Madison Avenue. The seminars will begin at 1 p.m. on Wednesdays and conclude at noon on Fridays.

The dates for seminars II, III and IV are: Seminar II--Birmingham, Dec. 3-5; Montgomery Dec. 10-12. Seminar III--Birmingham, March 18-20, 1981; Montgomery, March 25-27, 1981. Seminar IV--Birmingham, Aug. 5-7, 1981; Montgomery, Aug. 12-14, 1981.

### REGIONAL SEMINARS PLANNED FOR MUNICIPAL CLERKS, MAGISTRATES

Four regional one-day seminars are being planned for municipal court clerks and magistrates during September. These seminars are being coordinated jointly by the Alabama Judicial College and the Municipal Court Division of the Administrative Office of Courts.

Topics for discussion during the seminars include the Rules of the Road Act and other new legislation, communicating with the Department of Public Safety, court referral schools, failure-to-appear cases, requirements for an Affidavit and Warrant and records management in municipal courts. An open forum will also be held during the final session of each seminar to allow participants an opportunity to discuss with the speakers other topics of individual court concern.

Seminars are tentatively planned for Huntsville on Sept. 17, Birmingham on Sept. 18, Mobile on Sept. 23 and Montgomery on Sept. 25. Each seminar will begin at 9 a.m. and conclude at 4 p.m.

Details concerning the seminars and registration materials are being forwarded to court clerks in each municipality. There will be no registration fee and participants who attend will be reimbursed for travel expenses according to the state plan for reimbursement.

### NATIONAL JUDICIAL COLLEGE

#### REACHES LANDMARK

The National Judicial College in Reno, Nevada reached a new landmark, issuing its 11,000th Certificate of Completion--only nine months after awarding its 10,000th.

**POLICY STATEMENT ISSUED REGARDING  
HEALTH INSURANCE COVERAGE  
FOR TERMINATING EMPLOYEES**

The State Employees' Insurance Board issued a policy statement on Aug. 1 concerning State Health Insurance coverage for employees who separate from service with the State of Alabama.

Effective immediately, state employees are eligible for coverage only if they are on the payroll for at least one day in the covered month. For example, if an employee terminates during the month of August, insurance coverage ends as of August 31. To be eligible for September coverage, the employee must work at least one day in the month of September.

In the past, the Unified Judicial System has allowed terminating employees to remain on the state health policy for the upcoming month if they were on the payroll during the pay period when insurance premiums were pre-paid. In other words, if the employee was on the payroll during the month of August, he would have retained coverage through September. This will no longer be the case, since the new statement specifies that to be covered, the employee must work at least one day of the month.

Employees who separate from service should be made aware of this change, which applies to both individual and dependent coverage.

For an employee who has dependent coverage, both dependent and individual coverage terminate at the same time, even though a pre-payment payroll deduction may have been made for the following month's premium. In this case, any overpayment for family coverage would automatically be refunded to the employee.

Any question about this new procedure should be directed to the Personnel Division at the Administrative Office of Courts.

**DUI COURT REFERRAL PROGRAM  
ENROLLMENT STATISTICS RELEASED**

Bob Simpson, state coordinator of the DUI Court Referral Programs reports that 3,871 students completed DUI schools in

the second quarter of 1980. This is a considerable increase over the 3,486 who completed during the same three month period in 1979. To date, a total of 72,712 students have completed the program.

**COMMITTEES ESTABLISHED TO STUDY  
DUI COURT REFERRAL PROGRAMS; MAKE  
RECOMMENDATIONS FOR IMPROVEMENTS**

The Administrative Office of Courts has established committees to study two separate activities of the DUI Court Referral Programs in an effort to recommend improvements. The first committee chaired by Mary Lou Street, executive director of the Birmingham DUI Action Programs, is working with the Alabama Judicial College to establish a one-week training program for future DUI school instructors. The Academic Instructors School of the Air Force University will assist in this endeavor.

The second committee is tasked to develop standard procedures for DUI schools to utilize to identify students with serious alcohol problems as they transit the schools, and to report the results to courts in order for this information to be available to assist in final sanctioning. It is hoped that these procedures will eventually result in problem drinkers being placed into appropriate therapeutic programs.

This committee is chaired by Dr. Don Brown of Sylacauga and is composed of Directors Bill Chapman of Evergreen, Gordon Waller of Mobile, John Cummins of Alex City and Anita Corley of Jasper. Judges on the committee are: Jerry Fielding of Talladega County; Jerry Vanderhoef of Colbert County; Bill Saliba of Mobile; Tenant Smallwood of Birmingham; and Eason Mitchell of Calera. Bob Simpson, state coordinator for the DUI programs, said that results of these committee deliberations will be available by November.

**REVISED RULES OF ROAD ACT MAKES  
DUI SCHOOL ATTENDANCE MANDATORY**

The revised Rules of the Road Act makes mandatory attendance at an Administrative Office of Courts-approved DUI school for

*(Continued On Page 16)*

## REVISED RULES OF ROAD ACT MAKES DUI SCHOOL ATTENDANCE MANDATORY

*(Continued From Page 15)*

those convicted of DUI on a first offense. It is expected that due to the debilitating effect of alcohol on DUI defendants, that problems may be experienced by courts in assuring that some defendants complete these schools. Consequently, it is recommended that traffic court judges continue DUI cases on a first offense until the defendant has completed the required four-session course. DUI program directors/coordinators have been instructed to maintain close cooperation with courts in order to provide all of the administrative assistance necessary to keep courts informed of each defendant's status.

In those cases where defendants are unable or can not attend the school because of severe alcohol problems, courts should place these defendants into alcohol treatment and counseling programs in lieu of the AOC approved DUI school. In those cases, the DUI program directors can be utilized by courts to place the defendant in the proper treatment facility and to keep courts apprised of progress and completion of the ordered treatment.

## PROCEDURE FOR VOIDING UNIFORM TRAFFIC TICKETS IS AMENDED

The UTC Control Unit of the Administrative Office of Courts has revised the procedure for voiding Uniform Traffic Tickets. The new procedure is effective immediately. Several law enforcement agencies have expressed a need for a record-keeping system on voided tickets within their agencies. It is felt that the implementation of the following procedure will accomplish this.

All four copies of the ticket should be marked "VOID" with the agency O.R.I. entered on the face of the ticket. The pink copy should be retained by the law enforcement agency as its record of the void and the three remaining copies should be sent to the UTC Control Unit of AOC along with a written explanation of the void. All voided tickets must be mailed to the UTC Control Unit as soon as possible.

This change supersedes the procedure outlined in the UTC Manual requiring that all four copies of the ticket be forwarded to the UTC Control Unit.

Please make this change a part of the UTC Manual. It will be reflected in the revised manual which is being prepared for distribution.

## PEGBOARD ACCOUNTING SYSTEMS OFFER SOLUTIONS FOR MUNICIPAL COURTS

The Municipal Court Division of the Administrative Office of Courts has assigned two staff members, Jean Holcomb and Tom Payne, court management analysts, to assist municipal courts in updating and revising their current record-keeping procedures. These staff assignments will enable the Municipal Court Division to provide greater assistance to courts requesting records management assistance.

A system which has been introduced into several courts is the Pegboard Accounting System. This system provides a receipt for the defendant and provides municipal court clerks and city clerks a breakdown of the monies collected by the court, and transmitted to the city clerk. The information on the peg board sheet is also used to remit to the state the proper amounts collected for the Driver's Education Trust Fund, the Fair Trial Tax Fund and the Police Officers' Annuity and Benefit Fund. During the auditing process, the pegboard sheet will easily show the distribution of funds collected by receipt.

Many municipal courts throughout the state continue to use traditional accounting books and procedures. Modern manual accounting systems can offer substantial improvements and solutions to record keeping problems at minimal cost. The Pegboard Accounting System, in particular, responds to the needs of courts through a forms system that generally costs less than current accounting systems, reduces personnel time required for accounting functions, reduces space requirements for records storage and provides even greater accuracy than traditional accounting methods. Pegboard Accounting Systems can be customized to meet the individual needs of courts.

The key for developing an adequate workable records program is a records management study.

## NEWS CLIPS FROM THE STATE PRESS

# Best bar

Quite often, if there is an individual associated with some policy or action we see fit to criticize in this space, he's a lawyer. (Most legislators are lawyers, which is biting criticism in itself.)

But not today. Today, at least, we must break with tradition long enough to note the concrete efforts that local attorneys and judges have made toward improved justice and a more workable judicial system in Montgomery.

Those efforts were recognized at the recent national convention of the American Bar Association, which bestowed its highest award for merit on the Montgomery chapter.

During the past year or so, under the leadership of its former president, Walter Byars, the Montgomery County Bar Association devoted a wealth of time and work to presenting a series of continuing education seminars for its members.

The programs covered such topics as legal ethics, the state's new criminal code, courtroom procedure, the jury system and appellate advocacy. The appellate advocacy seminar, entitled "Avoiding Falling on Your Face in State and Federal Appeals Courts," featured a lecture panel consisting of many of the state's most distinguished jurists.

The programs were especially impressive because, for the most part, they were free of empty jargon. Their organizers insisted on recognizing and addressing real problems—not excluding problems as "real" as finding the right courtroom.

Attendance at the programs was outstanding. The appellate advocacy seminar, for example, drew more than 200 bar association members downtown in a pouring rain.

The local bar sponsors numerous worthwhile projects, including its excellent Law Awareness Program for public school students. But last year's continuing education program may well have been its most beneficial contribution to the community.

We hope the association's new president, Thomas Lawson Jr., plans to continue with continuing education for local attorneys.

The study of law, wrote Edmund Burke, "renders men acute, inquisitive, dexterous, prompt in attack, ready in defense, full of resources . . ."

The Montgomery County Bar Association is to be commended for prompting its members to continue studying, not just practicing, law.

This Clip From  
ALABAMA JOURNAL

# Improvement

On its face, Alabama's new law against driving while under the influence of alcohol or other drugs would appear to be a weakening of the previous law.

But as a practical matter, the law which went into effect today should strengthen efforts to curtail drunken driving by giving judges more freedom to adjust punishment to the individual circumstances and by requiring first-offenders to attend an eight-hour course in which they can confront their problems with alcohol or other drugs.

The principal flaw with the previous driving while intoxicated law was its requirement that any person convicted of the charge had his or her driver's license revoked for a period of six months. Despite the fact that the law didn't allow it, judges confronted with defendants who depend on their automobiles to make a living would change the charge to reckless driving so that the driver's license would not be lost.

Not only did this practice

lower respect for the law by letting people think they had gotten away with something, but it didn't bring these individuals face-to-face with their alcohol problem.

Under the new law, an individual could still lose his driver's license upon conviction. But the judge has the option of allowing a first-offender to keep the license. This should improve the conviction rate and eliminate the spectacle of a court bending the law to suit its own purposes.

But in addition, all first-offenders must attend a DUI school which attempts to change attitudes toward alcohol and the behavior that results. While the success rate of such schools is less than we might like, they do help about half of those who attend.

And each person who stops combining the use of intoxicants with driving is one less danger to public safety.

The new law is a step forward.

This Clip From  
BIRMINGHAM POST HERALD

# Lions Youths Go To Court

The Lions' Club International Youth Camp went to court here Wednesday to learn more about the American judicial system with the help of a local judge, prosecutor, law enforcement officer and defense attorney.

It is the 17th year the Montgomery Lions Club has sponsored the program, which is designed to foster "ambassadors of peace" through seminars on international affairs, leadership, communications and free enterprise.

Sixty-two campers — from 20 foreign countries and 15 states — spent their first few weeks touring the southeastern United States. They have stayed with host families throughout their visit.

Stops have included Atlanta; Louisville, Ky.; the Space Center in Hunts-

ville; and Disney World in Orlando, Fla.

The judicial seminar is one of several scheduled during their six-week visit.

In meeting at the courthouse Wednesday, the youths had a chance to ask questions and explain how the court systems in their countries function. A jury orientation slide show was presented, along with an explanation of procedural safeguards for defendants.

Alabama Supreme Court Justice Hugh Maddox, Montgomery Bar Association president Tommy Lawson, Assistant District Attorney Lewis Gillis, Montgomery Circuit Judge Joseph Phelps and Police Chief Charles Swindall told of their roles in the American judicial system.

This Clip From  
THE MONTGOMERY ADVERTISER



# COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

COURT NEWS, Volume 4, 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. Telephone: (205) 834-7990 or 1-800-392-8077.

Robert Martin  
Director of Administrative Services  
and Editor

Karan Sexton Sims  
Assistant Editor

C.C. TORBERT, JR.  
Alabama Chief Justice  
ALLEN L. TAPLEY  
Administrative Director of Courts  
JOHN DAVID SNODGRASS, President  
Association of Circuit Judges  
JOHN KARRH, President  
Association of District Judges  
JAMES S. GARRETT, President  
Association of Municipal Judges  
DAVID ENSLEN, President  
Association of Juvenile Court Judges  
JOYCE MARTIN, President  
Association of Clerks and Registers  
DAVID MILLER, President  
Shorthand Reporters Association  
CHRISTI PATTON, President  
Circuit Judges' Secretaries Association  
JACKIE HEARTSILL, President  
District Judges' Secretaries Association



**STATE OF ALABAMA**  
**ADMINISTRATIVE OFFICE OF COURTS**  
817 South Court Street  
Montgomery, Alabama 36130

BULK RATE  
U. S. POSTAGE  
— PAID —  
MONTGOMERY, AL  
PERMIT 109