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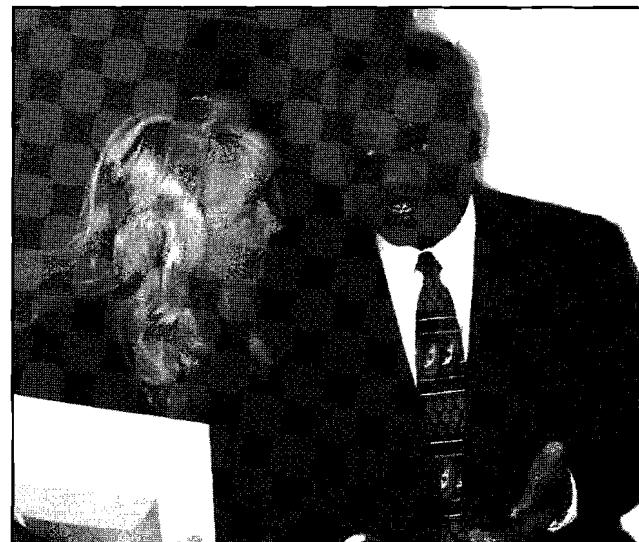
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England replaces Kennedy on Alabama Supreme Court

By Ben Newbern
Managing Editor

In an historic appointment, John H. England Jr. joins the Alabama Supreme Court as an associate justice. England, 52, becomes the third black Alabama Supreme Court justice. And, for the first time ever in state history, there are two black justices sitting together on the court as England joins Justice Ralph Cook.

England, a circuit judge from Tuscaloosa, was appointed



Judicial College Director Callie Dietz confers with Justice John H. England Jr. following his Investiture.

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QUOTATIONS



"There are truths which are not for all men, nor for all times." —

Francis M. Voltaire
Letter to Cardinal de Bernis,
April 23, 1761

QUOTATIONS

By Ben Newbern
Managing Editor

Greene County District Judge Richard Osborne, 52, died October 30, at DCH Regional Medical Center from complications following heart surgery.

Osborne has served as district judge since 1985. Last year, he was re-elected without opposition to a fourth consecutive term.

Osborne was a native of Tallahassee, Ala., and was a graduate of R. R. Moton High School. Osborne also received an agricultural drafting certificate from the Washington (D.C.) Drafting School in 1968, and a degree from Alabama State University in 1972.

Osborne graduated from the University of Alabama School of Law in 1975.

He has worked in private practice in Union Springs and

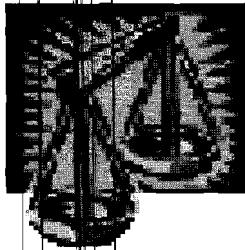
York, an assistant city attorney in Montgomery from 1969 to 1978, and a draftsman for Alabama Power Co. from 1969 to 1972 before becoming a district judge.

Greene County Tax Assessor John Kennard expressed shock at the death of Osborne.

"We've lost a good man," Kennard said.

Osborne is survived by his wife, Lily, and three children.

Greene County judge dies after surgery



A WEALTH OF EXPERIENCE JUSTICE DOUGLAS JOHNSTONE

By Ben Newbern
Managing Editor

What else can one say about Douglas Inge Johnstone, except he's one of the good guys. In a day and time where the air of politics can leave a bad taste in anyone's mouth, Johnstone exemplifies what every politician should be: a public servant.

A man who has served as a judge for 14 years, and even served a term as a state legislator, Douglas Johnstone is that rare breed of man who loves what he does, and does it with the right motivations at heart.

"I believe I was eight when my mother read English biographies to me, including Catherine Drinker Bowen's account of Henry VIII. When I found out that he had beheaded one of his wives, I thought how awful it was, and that if I ever held office, that would never happen again," Johnstone recounts with a chuckle.

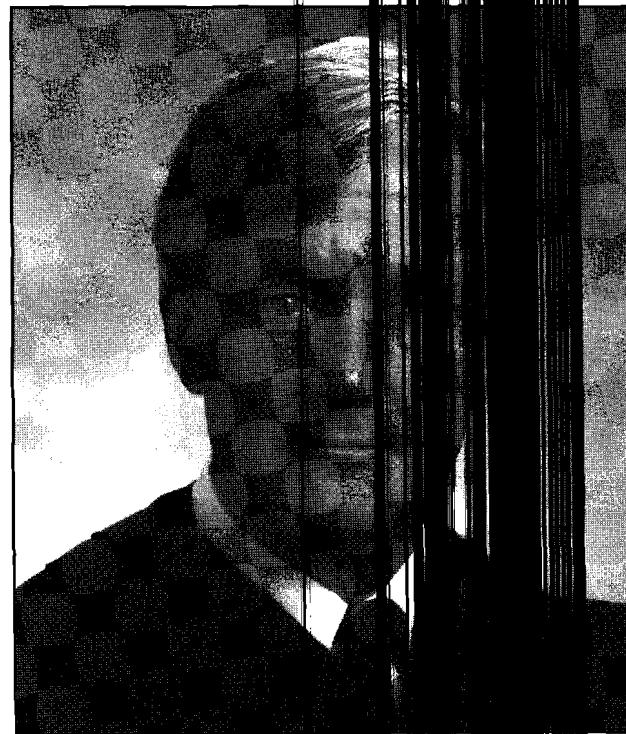
Johnstone was born in Mobile on November 14, 1941, and attended public schools through high school. College would take him to Rice University in Houston, and on to Tulane University School of Law in New Orleans, where he received a law degree in 1966.

His practice of law over the years included criminal and civil litigation, as well as contract, corporate, probate, and real estate legal work.

In 1974, Johnstone looked for something new, and took his first leap into politics, winning a seat in the Alabama House of Representatives. The Capitol Press Corps even voted him "Outstanding Freshman Representative" in 1975.

Johnstone was appointed as an Alabama District Judge in May 1984, and won election to that seat in November 1984, becoming presiding judge in Mobile.

By August 1985, Johnstone found himself appointed to a cir-



cuit court judgeship, where he successfully won election and reelection in 1986, 1988, and 1994.

Working his way up through the judiciary's ranks, Johnstone won election in 1996 and took a seat on the Alabama Supreme Court.

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ALABAMA COURT NEWS

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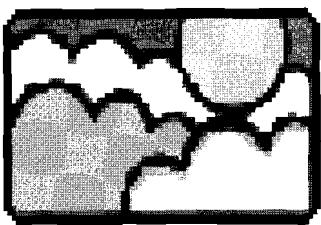
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Left: Administrative Office of Courts' Personnel Division poses for a photograph at the retirement party of fellow employee Joe Matisak on August 31. From L to R: Lisa Dennison Prather, Cathy Burdeshaw, Linda Price, Matisak, Gay Pitts, Amanda Rieves, and Personnel Director Barbara Kummel. Right: Matisak is greeted by UJS security coordinator Art Baylor.

Library's Trial Court Services at courts' disposal



By Mary Edge Horton
Alabama Court News

The Trial Court Services division is a service of the Supreme Court and State Law Library.

It was created in 1997 to provide research assistance to trial court judges who do not have a research support staff. Assistance is available in a variety of forms, including research of a specific issue, aid in trial and docket preparation, and assistance in drafting written orders and in other areas to help make caseload management more efficient.

The objective of the program is to facilitate the research needs of trial court judges who do not have law clerks or staff attorneys by providing those services usually provided by those personnel. Selection of participants in the program is made by the State Law Librarian and the Senior Attorney of Trial Court Services following the recommendation of the Administrative Director of Courts.

The Library's Trial Court Services' staff consists of qualified attorneys who are experienced in many aspects of the legal profession, including both trial and appellate work. They have access to a complete collection of hardcopy legal research resources, as well as Westlaw, Lexis, CD-rom, and the World Wide Web. For more information about this program, please contact Ms. Lynne Thrower, Senior Attorney, at the State Law Library at 1-800-236-4069 or 334-353-7249.

COURT NEWS BRIEFS - COURT NEWS BRIEFS
COURT NEWS BRIEFS
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Judge gets tough on drugs

Make no mistake about it, one Alabama judge takes his job and his words seriously.

And so, Talladega Judge Julian King, during a recent call of the docket for criminal trials in his courtroom, ordered all defendants to submit to drug testing. All were out on bond and awaiting trial.

Thirty-four of the 52 defendants tested positive for drugs. King revoked their bonds, and put them in jail.

"People who use drugs are not only a danger to themselves," King said, "but a danger to the general, law-abiding public."

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Jones dedicates new library

By Jack Campbell
Editor-in-Chief

Montgomery's Thomas Goode Jones School of Law dedicated its library to a longtime Montgomery court official. On October 5, 1999, the George H. Jones Jr. Law Library was dedicated in a ceremony at the law school. Retired Circuit Court Register in Chancery George Jones, now 92, was on hand to receive the honor.

Jones Law School Dean Wendell W. Mitchell presided over the ceremony which featured speakers who praised Jones for his service to Montgomery County and the Unified Judicial System.

Jones served as a Register for 42 years, interrupted for four years of military service during World War II and retired in 1977.

In response to his support to Jones Law School, Jones said, "I am reminded of the quote 'Dartmouth is a small school, but there are those who love it.' That's the way I feel about the law school and that's the reason I support it."

ACDR enters fifth year

By Judith M. Keegan
Director, Alabama Center for Dispute Resolution

It has been five years since the Supreme Court of Alabama established the Alabama Supreme Court Commission on Dispute Resolution by court order June 30, 1994. At that time, the Court requested that the Commission develop and oversee a center which would act as the central office for the state regarding alternative dispute resolution (ADR), and take the lead in developing, among other important items, mediator ethics and standards, and a roster of trained mediators.

Commission members, appointed from various organizations as stipulated in the order, have met every other month since 1994 to work on the development of ADR in Alabama. In August of that same year, Alabama became the 18th state to have a state office of dispute resolution.

From the very beginning, there was a commitment to be broad based, and the Commission and the Center have awarded grants and technical support for community/neighborhood mediation, school conflict resolution and peer mediation, court programs, and alternatives for administrative agencies. Original programs are now be-

ing duplicated in additional counties. The Commission has had local sponsors for "Preventing Violence", a workshop conference over a three year period at the Harvard School of Mental Health. It funds and unites people in a variety of ways to prevent school violence through school-community partnerships.

Part of the work of the Commission has been to formulate the Alabama Code of Ethics for Mediators, and the Alabama Mediator Standards and Recommended Procedures. The Roster of Trained Alabama Mediators has grown to 360 trained mediators. Where there was no mediation, now training offered in the state, there are now 25-30 courses a year. The state of Alabama arbitrators is currently available.

The Commission and the Center in conjunction with the Alabama State Bar have published a handbook on "Dispute Resolution Alternative Dispute Resolution: A Comparison with Mediation Model" and a mediation brochure, as well as the Alabama Lawyer devoted to mediation. They developed television and radio public service spots on mediation as part of a media partnership with the Alabama Broadcasters Association.

CURRENT MEMBERS OF THE ADR COMMISSION

Sharon G. Yates
-Court of Civil Appeals, Chair-

Ted Hosp
-Governor's Legal Office

Justice Harold See
-Alabama Supreme Court

John H. Alsbrooks Jr.
Aubrey Ford Jr.
-District Court-

John J. Park Jr.
-Attorney General's Office-

J. Noah Funderburg
Anne Isbell
Thomas McPherson Jr.
-At-Large-

Philip Dale Segrest
P. Wayne Thorn
-Circuit Court-

James R. Seale
-Alabama Defense Lawyers-

Justice C.C. "Bo" Torbert
-Speaker of the House-

Charles Y. Boyd
-Alabama Trial Lawyers-

Robert C. Ward Jr.
-Alabama Lawyers-

Steven A. Benefield
William D. Coleman
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-Alabama Bar

Fran W. Segrest
-Administrative Courts-

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-Alabama Bar

Judith M. Keegan
-Alabama Center for Dispute Resolution

Lowndes County institutes new parenting program

By Ben Newbern
Managing Editor

Lowndes County District Judge Terri Bozeman has taken steps to ensure additional welfare to children born of unwed parents. Lowndes County's Both Parents Program features a variety of steps designed to educate parents on having regular contact with their children, and providing suitable living arrangements.

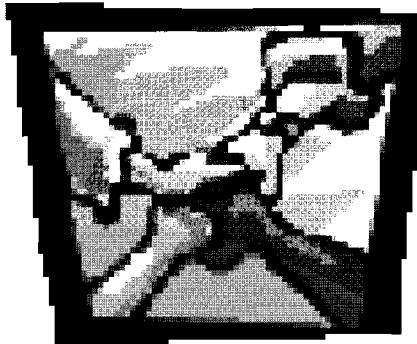
The Both Parents Program, based on a Colorado model, shares information with parents in its first meeting about specific cases and stresses the importance of shared responsibility. Parents learn about children's needs as they grow up, and parental roles in fostering a healthy, functional

child.

Parents develop a written plan of shared responsibilities in the second meeting of the Both Parents Program. The plan becomes part of the court record.

The Parenting Plan Agreement puts stipulations on child visitation, and seeks compromise between the parents of the child on a wide range of issues including education, welfare, religion, and financial support.

Parents who fail to reach mutual agreement are required to attend mediation meetings with a court-appointed attorney or certified mediator in order to resolve differences. These meetings, if needed, are provided at no cost, but are mandatory be-



fore a hearing can be set.

For more information on Lowndes County's Both Parents Program, contact District Judge Terri L. Bozeman at (334) 548-2591.

ENGLAND,
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in August by Governor Don Siegelman, replacing Mark Kennedy, who retired in the spring. England's seat will be up for election in 2000.

It had been a guessing game, as Siegelman waited several months before naming Kennedy's successor.

In England's Investiture Ceremony, Siegelman said England had always been his first choice, based solely on experience.

Former Alabama Supreme Court Chief Justice and U. S. Senator Howell Heflin swore in the new justice.

Joseph A. Colquitt, retired Tuscaloosa County circuit judge, and State Senator Vivian Davis Figures, D-Mobile, also delivered remarks at England's Investiture.

Upon naming England as Alabama's newest justice, Siegelman said he believed that England will be rewarded with a new term when the seat comes up for election in 2000.

"Judge England is rich in wisdom, understanding, confidence, and tranquility," Siegelman said. "These are all qualities necessary to render judgments that are fair and just."

England was born in Uniontown, Alabama and attended public schools in Birmingham. He graduated from the University of Alabama School of Law in 1974, and began practicing law in Tuscaloosa. England was elected to the Tuscaloosa City Council in 1985 and would serve two terms. In 1993, he accepted an appointment to the Tuscaloosa County Circuit Court bench and was elected to a full term in November 1994.

England has remained civically active, and currently serves as a member of the University of Alabama Board of Trustees.

AOC PHONE SYSTEM CHANGES

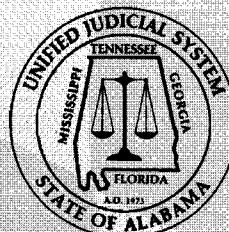
As of August 15, the Administrative Office of Courts began using an automated switchboard to handle calls directed through the 1-800-392-8077 toll-free number.

The new plan allows UJS employees to contact an AOC employee directly without going through the switchboard. Instead, callers simply punch in a five-digit extension.

There remains an operator option for those who do not know the extension of the person they are trying to contact.

AOC Telephone numbers

TOLL FREE NUMBER: Dial 1-800-392-8077, then listen for Division menu options. If the caller knows the five digit extension, he may dial it without listening to the entire menu.



Menu options:

- 1 Trial Court Services
- 2 Municipal Courts
- 3 Finance
- 4 Personnel
- 5 Remote Access
- 6 Legal
- 7 Data Center
- 8 Judicial Education
- 9 Judicial System Study Commission, Planning and Research
- 9 Administration
- * Operator Assistance

Court Referral Program holds annual in-service

By Eric Locke
Alabama Court News

The Court Referral Program annual in-service was held on October 27-29, 1999, at the Gulf State Park Resort in Gulf Shores, Alabama. The conference, approved for a maximum of 15 continuing education credits by the National Association of Alcoholism & Drug Abuse Counselors (NAADAC) and the Alabama Alcohol and Drug Abuse Association (AADA) was attended by drug rehabilitation professionals, Court Referral Officers (CROs), program directors, alcohol and substance abuse education and treatment providers and counselors, and other professionals working to combat alcohol and substance abuse. Approximately two hundred participants attended the three day conference.

Several speakers presented a variety of topics, including motivational speaker Willie Jolley, author of "It Only Takes A Minute To Change Your Life," who opened the conference with a presentation on "transformation motivation." Honorable Terri Bozeman, District Judge, Lowndes County, spoke on the importance of the court referral program in regard to juveniles. Additionally, circuit clerk Mary C. Moore advised on case flow management at the municipal, district and circuit levels. Other presentations included a discussion of the legalities of Sexual Harassment, advice on Ethics and Professionalism, information regarding CROs and the Drug Court Movement, as well as an update on Crime Bill Substance Abuse Programs.

One of the highlights of the con-

ference occurred during the awards ceremony when Frank W. Gray, Administrative Director of Courts, presented the annual Howell Heflin and C.J. "Bo" Torbert awards. The Howell Heflin award, for outstanding contribution to the Alabama Court Referral Program Network, was awarded to working outside the court referral program. The network went to Honorable James S. Jackson, presiding judge for the City of Mobile Municipal Court. "Bo" Torbert award, for outstanding contribution to the Alabama Court Referral Program Network from a CRO, program director or instructor, went to Bill Chapman. Chapman, who died earlier this year, was the director of the Regional Referral Council for Escambia, Conecuh, Marion, Butler and Clarke counties. Mr. Chapman was a retired CRO.

MILESTONES



AOC Legal Division Director Lynda Flynt speaks with Associate Justice Hugh Maddox, who celebrated his 30 years on the Supreme Court with a reception in his honor at the Alabama Judicial Building.

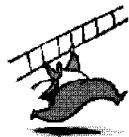
APPOINTED
JOHN ENGLAND, Justice, circuit judge, as an Associate Justice of the Alabama Supreme Court. Justice England becomes the state's ninth Associate Justice to the high court. He replaces Justice Mark Kennedy, who retires this month.

RETIRED
JOSEPH J. MADDEN, Administrative Director of Courts' Personnel Division, on August 31, from the Administrative Office of Courts' Personnel Division.

HIGH DRAFT
ED JOHNSON, Administrative Office of Courts' Personnel Division, replacing Joe Maddon, who retired in August.

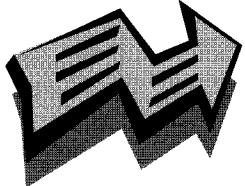
BORN
BETHANIE MADDEN GUNNIX, granddaughter of Associate Justice Hugh Maddox, born on August 26, weighing 6 lbs., 4 oz.

Dates to Remember



from Alabama
Judicial College

Court Reporters
Mid-Winter Conference
January 11-13
Marriott - Birmingham, AL



Circuit & District Judges
Mid-Winter Conference
January 12-14
Marriot - Birmingham, AL

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Municipal Orientation 2000-IA
January 28
Judicial Building -
Montgomery, AL

Judicial Assistants
Mid-Winter Conference
February 10-11
Marriott - Birmingham, AL

Circuit & District Clerks
Mid-Winter Conference
February 2-4
Marriot - Birmingham, AL

Municipal Orientation 2000-IIA
February 11
Judicial Building -
Montgomery, AL

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Justice to the Supreme Court.

When asked what he missed most about working for the trial courts, Johnstone said, "I am so happy here, that I've never thought about what I miss as a trial judge, other than perhaps the interaction with the lawyers, the give-and-take."

In reflecting about the campaign, Johnstone spoke of just how free from mudslinging it was.

"My opponent and I did run positive campaigns. There was no gentleman's agreement, we both just chose to do it. I think I ultimately prevailed because I had 14 years of judicial experience, and it was selling that experience that gave me the edge," Johnstone said.

"In my observations over 30 years, mudslinging rarely wins," he said.

With the formation of a second Judicial Campaign Oversight

Committee, keeping judicial races clean is on many minds in the judicial system. Johnstone said clean campaigns are what the Alabama people want.

"In Alabama, people don't like negative campaigning. Most media consultants urge negative campaigns, but they make two mistakes. One, they don't correctly assess the mood of the public. In some parts of the country, it may be attractive and persuasive to the public, but not in Alabama. Two, where both sides use mudslinging, [consultants] think one wins, neither does, actually."

Johnstone felt that there was a "friend" factor in campaigning, that voters voted for those they could identify more with, be friends with, and even have a meal with.

"In judicial campaigns, the issues are subtle, and the general public is not always well-acquainted with the candidates, he said."

Johnstone said judicial candidates must appear as though they could fit in with voters' families.

"So many ads that are filled with ridicule will not cause the

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JOHNSTONE, continued from page 7

viewer to say, "Oh, that's someone I'd like to fish or hunt with, or somebody I'd like to get to know," Johnstone said.

"New ads for Buick present a product that is so luxurious and pleasant to ride in, that people affirmatively want it. That's what political ads should do. Candidates should say, 'Who is going to like me for this ad?'"

On higher aspirations, you would wonder if being an Associate Justice to the Alabama Supreme Court was just a stepping stone to being Chief Justice. Johnstone has, after all, worked his way up the public service ladder this far.

"I can thank the people of Alabama," he says, "by doing the job they elected me to do. I am enjoying being a part of the Supreme Court 'family,' and I am comfortable here."

Douglas Inge Johnstone, who's built two experimental airplanes certified by the Federal Aviation Administration, can be



ALABAMA COURT NEWS

If you have story ideas or comments to contribute to the Alabama Court News, please contact Bev Newell at (334) 353-5281.

Story ideas could include court rulings, legislative issues, commentaries, local and national happenings of interest, or information including appointments, retirements, or imminent changes.

proud. After more than 30 years in politics, and a somewhat ambivalent attitude about him, Douglas Johnstone continues to serve his state and the public service to Alabama. Henry VIII, beware.

ALABAMA COURT NEWS

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Montgomery, AL 36104-3741