

COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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July 1978

STATE JUDICIAL COLLEGE IS SET FOR FIRST YEAR

Chief Justice C. C. Torbert, Jr. says the state's new Judicial College will begin functioning immediately to coordinate training and education for judges, court officials and judicial system personnel.

Torbert and University of Alabama President Dr. David Mathews announced last week that the new college will be located in Farrah Hall, the old law school building at the University campus in Tuscaloosa.

It will be jointly funded by the University and the state



CIRCUIT JUDGE JOE PHELPS, right, of Montgomery is acting dean of the new Alabama Judicial College. Judge Phelps has accepted this temporary position in addition to his duties as a judge of the 15th Judicial Circuit. Ms. THELMA BRASWELL, formerly with the Alabama Education Association, is the new associate dean and JIM BERRY, left, who has been the judicial education officer for the Administrative Office of Courts, is assistant dean of the new college.

judicial system. Torbert said that Circuit Judge Joe Phelps of Montgomery has been temporarily assigned as acting dean of the college. Ms. Thelma Braswell, formerly employed with the Alabama Education Association, has been named as the

associate dean and will maintain an office at Farrah Hall. Jim Berry, judicial education officer for the Administrative Office of Courts, will become assistant dean, but will maintain his office at the AOC office in Montgo-

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STATE JUDICIAL COLLEGE IS SET FOR FIRST YEAR

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mery. The addition of two clerical employees will complete the college's staff.

Torbert said that the college will allow the judicial system of the state to continue to carry out and expand its program of continuing judicial education.

Dr. Mathews said that the University is proud to be able to assist the judiciary of the state in maintaining this important function. "If the judges and court personnel within our judicial system are not provided continuing and updated education in regard to the changing laws within our society, the administration of justice suffers," Mathews said. "We consider this to be another excellent opportunity for the University to make its resources available to the people of Alabama," Mathews added.

He said that the University has allocated funds to assist the college for the 1978-79 fiscal year, including physical facilities at Farrah Hall. The remainder of the funding for the first year will be borne by the Unified Judicial System within its existing budget.

The chief justice said that, historically, two strategies have been utilized to provide continuing professional education for judicial personnel. "The first," he said, "involves sending members of the judiciary and other court personnel to programs conducted out of state. Typically," he said, "these programs are conducted by national organizations serving a national audience and the content offered certainly serves to broaden the perspective for those who attend. However," Torbert added, "national programs cannot provide the content necessary to educate our court personnel concerning the particular needs within the Alabama judicial system." Torbert said that

the college will not preclude out-of-state training and education.

He said that the other strategy which has been employed has been educational programs conducted by the various judicial associations and by the Administrative Office of Courts. "Historically, few of these programs have been directed to court personnel other than judges," Torbert said. He added that there has been no comprehensive plan to provide judges and court personnel with the training necessary to carry out their jobs.

"In the past, most of the judges of this state have been elected and have assumed the job of making decisions which affect the life, liberty and property of our citizens without having had a minute of training to help them carry out their tasks of being a judge."

Torbert said that, in the spring of 1977, the judicial system obtained a federal grant to study and prepare a plan for a judicial college. "Since the time that finalized plan for the college was presented to me in February, efforts have been conducted to determine both a location and funding for the college," Torbert said. "Several possibilities were discussed and I am pleased that Dr. Mathews and the University have agreed to assist us in carrying out this important project."

Torbert said the committee appointed to devise a judicial college plan, which was headed by District Judge William Lumpkin of Centre, did an outstanding job. "It is this committee's work product that we are being able to implement in the establishment of a judicial college for the state," the chief justice said.

Faculty for the college will be drawn from state judges, lawyers, law professors and experts in the various fields of the law. The college will be under the direct supervision of the Administrative Office of Courts.

Judges and court officials will be asked to provide input into the college's curriculum through a "survey of educational needs" to be mailed soon.

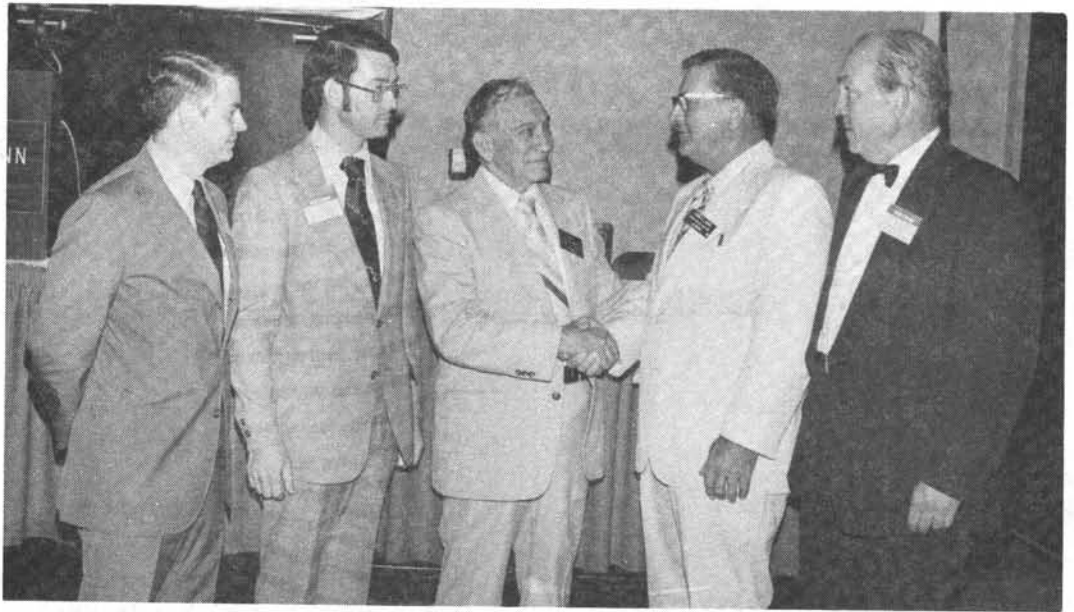
CIRCUIT, DISTRICT
JUDGES MEET; ELECT
GIBSON, DUSKA NEW
ASSOCIATION PRESIDENTS

Circuit Judge Wallace Gibson of Birmingham was elected president of the State Circuit Judges' Association and District Judge R. Powell Duska of Florence was elected president of the District Judges' Association at a meeting of the two associations in Mobile.

The training and educational meeting for the two associations was held July 19-20, just prior to the State Bar meeting.

New officers of the Circuit Judges' Association are: Judge Gibson, president; Judge F. Murland Smith of Andalusia, first vice president; Judge John David Snodgrass of Huntsville, second vice president; Judge Joseph A. Colquitt of Tuscaloosa, secretary/treasurer.

New officers of the District Judges' Association are: Judge Duska, president; Judge Melvin E. Grass of Guntersville, president elect; Judge Newman Sankey of Montgomery, first vice president; Judge William G. Fowler of Birmingham, second vice president; Judge Dominick Matranga of Mobile, secretary; Judge John Karrh of Tuscaloosa, treasurer.



CIRCUIT JUDGE WALLACE GIBSON of Birmingham, center, new president of the State Circuit Judges' Association, is congratulated by outgoing president, JUDGE FORREST ADAMS of Dothan. JUDGE JOE COLQUITT of Tuscaloosa, second from left, is the new secretary/treasurer. Past officers JUDGE CLIFFORD K. DELONY of Tuscumbia, right, and JUDGE ED TEASE of Florence, left are also pictured. The new second vice president, JUDGE JOHN DAVID SNODGRASS of Huntsville and the new first vice president, JUDGE F. MURLAND SMITH of Andalusia, are not pictured.



DISTRICT JUDGE R. POWELL DUSKA of Florence, third from right, new president of the State District Judges' Association, is congratulated by outgoing president, JUDGE JERRY VANDERHOEF of Tuscumbia. Other new officers, from left to right, are: JUDGE DOMINICK J. MATRANGA of Mobile, secretary; JUDGE WILLIAM G. FOWLER of Birmingham, second vice president; VANDERHOEF and DUSKA; JUDGE JOHN M. KARRH of Tuscaloosa, treasurer; JUDGE NEWMAN C. SANKEY of Montgomery, first vice president. JUDGE MELVIN E. GRASS of Guntersville, the new president elect, is not pictured.

In-state training programs

SCHEDULE OF MEETINGS, AUGUST 1978-JULY 1979

<u>MEETING</u>	<u>1978 DATE</u>	<u>LOCATION</u>	<u>SPONSOR</u>	<u>REIMBURSE</u>
Appellate Judges Conference	Aug 24-25	Lake Guntersville State Park, G'vle	App Cts.	Yes
Municipal Magistrates Regional Workshops	Aug & Sep	Florence, Huntsvle, Birmingham, Mtgy, Dothan & Mobile	Alabama Judicial College	Yes
Trial Court Warrant Clerks & Magistrates Workshop	Sep 7-8	Ramada Inn-South Montgomery	Alabama Judicial College	Yes
Trial Court Bookkeepers Workshop	Sep 14-15	Holiday Inn-East Montgomery	Alabama Judicial College	Yes
Juvenile Court Judges Annual Conference	Sep 21-22	Hilton Inn, Birmingham	Alabama Judicial College	Yes
Court Reporters Annual Conference	Sep 28-29	Gadsden Jr. College Gadsden	Alabama Judicial College	Yes
Alabama Judicial College Conference	Nov 2-3	Tuscaloosa	Alabama Judicial College	Yes
<u>MEETING</u>	<u>1979 DATE</u>	<u>LOCATION</u>	<u>SPONSOR</u>	<u>REIMBURSE</u>
Circuit Judges and District Judges Mid-Winter Conf.	Jan 11-13	Montgomery	Ala. Jud. College	Yes
Alabama State Bar Assn. Mid-Winter Meeting	Jan 12-14	Montgomery	ASBA	No
Circuit Judges and District Judges Annual Conference	July 18-20	Huntsville	Ala. Jud. College	Yes
Alabama State Bar Assn. Annual Meeting	July 19-21	Huntsville	ASBA	No

CHIEF JUSTICE TORBERT GIVES REPORT ON THE ALABAMA JUDICIARY TO THE STATE BAR ASSOCIATION'S BENCH/BAR LUNCHEON IN MOBILE

(Excerpts from Mobile Press article
by Diane Freeman, July 20, 1978)

Alabama Chief Justice C. C. "Bo" Torbert today announced the creation of a judicial college and said that most of the hazards confronting the state's new court system have been weathered and the courts are "functioning as was intended."

Torbert spoke at a Bench/Bar Luncheon which marked the opening of the annual meeting of the Alabama State Bar.

Torbert told the judges and attorneys at the luncheon that while there are still some problems remaining following the implementation of the Unified Judicial System, the job of modernizing the state's judicial system is essentially complete.

"During the past two years, implementation of the constitutional and statutory reforms provided by the Judicial Article and subsequent

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CIRCUIT JUDGE'S SECRETARIES ELECT NEW SLATE OF OFFICERS



ANNA FAYE SHAW of Montgomery, third from left, has been elected president of the State Circuit Judges' Secretaries' Association. She succeeds RUTH HENRY of Opelika, left, as president. Pictured from left to right are: RUTH HENRY; JUDGE JOHN DAVIS of Montgomery, who installed the new officers; ANNA FAYE SHAW; SHERI HOLMES of Montgomery, vice president; THRESIA GRIGGS of Dothan, secretary; SUE PATTERSON of Talladega, treasurer.

CHIEF JUSTICE TORBERT GIVES
REPORT ON THE ALABAMA JUDICIARY
TO THE STATE BAR ASSOCIATION'S
BENCH/BAR LUNCHEON IN MOBILE

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legislation has been accomplished," he said.

"Today in Alabama, we have, through streamlined judicial administration and the use of computer technology, a new unified court system operating in a cost effective, efficient, and business-like manner," Torbert said.

It is a system that has been transformed from a total void of fiscal accountability into one in which the system can account for every penny spent to provide judicial services, he said.

"The system is functioning well and it is now time to move forward, being careful to continually maintain and improve the only system of justice we have," Torbert added.

There continue to be nagging problems demanding attention, however, he said.

Areas which require attention include competency on the job which can be improved through a program of training for judges and court officials, improved jury management which must be accomplished through constant attention and innovative action and the continued attention to court caseloads by all members of the judiciary to insure that citizens have speedy access to the courts, Torbert said.

The courts must devise systems that will avoid the waste resulting from our casual attitude toward jurors, the chief justice said.

Hundreds of people experience the frustration of being required to present themselves in court as witnesses only to be told the case has been postponed, he said.

"Experiences of this kind are the result of bad management at best or, at worst, the result of the manipulation of the system by lawyers, or the apathy of judges to permit such to happen," Torbert said.

The chief justice said that improved caseload management must be an ongoing effort to insure that the litigation explosion does not create undue delay for citizens to obtain judicial services.

"It appears that there is going to be, generally, slightly over a 7 per cent increase in all filings in the circuit and district courts of the state" during the year, he added.

JAMES CARTER, HARRY RIDDICK
REAPPOINTED TO COURT OF JUDICIARY
FOR ADDITIONAL FOUR-YEAR TERMS

The Alabama State Bar has reappointed James J. Carter of Montgomery and Harry H. Riddick of Mobile to the Alabama Court of the Judiciary. Carter and Riddick have been judges on the court since its organization in 1974 after adoption of the new Judicial Article to the Alabama Constitution. Carter and Riddick will now serve additional four-year terms.

The Court of the Judiciary hears and acts upon complaints filed by the Alabama Judicial Inquiry Commission. The court has authority, after notice and a public hearing, to remove from office, suspend without pay, or censure a judge who has been charged by the inquiry commission with misconduct in office, failure to perform his duties, or for violation of a canon of judicial ethics.

The court consists of five judges: an appellate court judge, Presiding Judge L. Charles Wright of the Alabama Court of Civil Appeals; two circuit judges, Judge Joseph M. Hocklander of Mobile and Judge William C. Bibb of Anniston, designated by the Circuit Judges' Association; and two practicing lawyers, Carter and Riddick, selected by the Board of Commissioners of

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**JAMES CARTER, HARRY RIDDICK
REAPPOINTED TO COURT OF JUDICIARY
FOR ADDITIONAL FOUR-YEAR TERMS**

(Continued from Page 6)

the Alabama State Bar.

Carter is a senior partner in the law firm of Hill, Hill, Carter, Franco, Cole and Black in Montgomery. He has been a lawyer since 1934, is a former president of the Alabama State Bar, and for eight years was a member of the State Board of Bar Examiners. He is also a Fellow of the American College of Trial Lawyers.

Riddick is vice-president of the Mobile Bar Association. A member of the bar since 1949, he is in active practice as a partner in the Mobile law firm of Hamilton, Butler, Riddick and Latour.

**MUNICIPAL JUDGES ASKED
TO RETURN QUESTIONNAIRE**

The Administrative Office of Courts has received only scattered response from the services and support questionnaire mailed to municipal judges on May 23rd.

This questionnaire is important and municipal judges are asked to complete and return the questionnaire as soon as possible.

BLUE CROSS-BLUE SHIELD SETS

OPEN ENROLLMENT FOR DEPENDENTS

Any state employee who now has only individual health coverage may enroll dependents beginning with the month of October by sending a new application card to the personnel division at the Administrative Office of Courts, 817 South Court Street, Montgomery, 36130.

Cards can be obtained from the personnel division by calling the toll free number, 1-800-392-8077. They must be returned by September 11th so that

deductions can be made at the end of that month. Dependents enrolled become eligible for benefits on October 1, 1978, with no waiting period.

The next open enrollment period will be in April.

DWI COURSES GETTING

GOOD EVALUATION BY STUDENTS

Recently, a DWI director examined every fifth student evaluation form and from these compiled the following comments.

"Enjoyed every moment. Good course. Enjoyed everything that I heard. I felt that this was enlightening; it made me realize that alcohol is potentially dangerous when abused. We need more programs such as these in our Great State. I was told something I didn't know. Very good program. This program should be part of the regular high school curriculum. I enjoyed it. Very interesting program. It was a good program; it made me quit drinking. If you drink, stay at home. All of these programs were good. This was a very well taught school and the lady teaching it was great. I think this course should be given to all persons before receiving a driver's license."

"These were only a few of the affirmative comments from a potentially hostile group of people. All judges who do not use these schools are missing a fine opportunity to properly educate first offenders about the dangers of drinking excessively and driving," according to Bob Simpson of the Administrative Office of Courts. Additional information on these programs may be obtained by calling Mr. Simpson at 1-800-392-8077.

PERSONNEL TELLS STATUS

OF RECLASSIFICATION ACTIONS

When the freeze on reclassification of positions was lifted earlier this year, a cut-off date of May 12th was announced for submitting requests for reclassification. However, requests for reclassification

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PERSONNEL TELLS STATUS OF RECLASSIFICATION ACTIONS

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were received after that date. These requests will eventually be acted upon but, as of now, the review of those received prior to the cut-off date has not been completed. The status of these is as follows: 101 received, 56 approved, 18 disapproved, and 27 pending.

As previously announced, those received by the cut-off date will, if approved, be upgraded retroactive to May 31, 1978. The promotion of an incumbent in an upgraded position within this group will also be retroactive to May 31st, provided the employee was on the register for the higher classification as of that date. Otherwise, the incumbent may be promoted after being placed on the appropriate register.

Action on those requests received prior to the cut-off date will be completed before considering those received later. This later group will not be approved retroactively.

Many of the requests require visits to the offices involved, which must be scheduled around other necessary work.

TRIMBLE, HUIE

VISIT MUNICIPALITIES

Angelo Trimble, municipal court coordinator, and Herb Huie have just completed a round of visits with officials of a number of cities which opted into the district court system and clerks of the respective district courts. They report that the system is working rather smoothly; however, they do note a lack of uniformity in the manner in which funds are distributed and settled with participating cities by some district courts.

Clerks who are not presently doing so should follow Section II D (5), "Transmittal and Reporting," of the Municipal Court Transfer Procedures Manual, or a

similar procedure should be developed which will provide participating municipal governments with a complete accounting of dispositions and funds generated in municipal cases. If additional information is needed by the municipality, clerks might consider making photocopies of the cash book records and attaching it to the transmittal.

District clerks desiring a copy of the procedures manual should call Mr. Trimble at 1-800-392-8077.

STATE HOLIDAY SCHEDULE FOR COURT SYSTEM LISTED

Listed below for your information and planning purposes are the dates of legal holidays during the year 1979 for the Alabama judicial system as designated by Chief Justice Torbert. This holiday schedule coincides with the schedule for the executive and legislative branches of government.

New Year's Day	Jan. 1
Robert E. Lee's Birthday	*Jan. 15
George Washington's Birthday	*Feb. 19
Mardi Gras Day	Feb. 27
Thomas Jefferson's Birthday	April 13
Confederate Memorial Day	*April 23
Jefferson Davis' Birthday	*June 4
Independence Day	July 4
Labor Day	Sept. 3
Columbus Day	*Oct. 8
Veterans' Day	**Nov. 12
Thanksgiving Day	Nov. 22
Christmas Day	Dec. 25

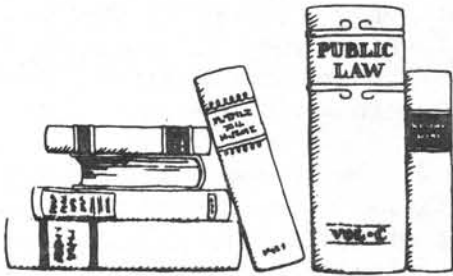
*Monday holidays - Act No. 1130, 1969
**Veteran's Day falls on Sunday and will be observed on the following Monday.

BEDSOLE, POOLE, MASON

ON COMPENSATION COMMISSION

T. Massey Bedsole of Mobile, Elisha C. Poole of Greenville and O. D. Mason of Butler have been named to the State Judicial Compensation Commission. Bedsole and Poole are the new appointments of the State Bar and Butler is the appointee of House Speaker Joe McCorquodale.

LEGAL NOTES



JOURNAL OF SALARIES

On July 6, 1978, Chief Justice Torbert requested court officials to submit a statement on local salary supplements to this office. Please accept our sincere thanks for your response to this request. Because of your immediate response to this request, this office will be able to compile the information required by the Alabama Code in the very near future.

ABSENTEE BALLOTS

As most clerks and registers are aware, the Attorney General's office recently rendered an opinion restricting payment for handling absentee ballots to circuit court clerks. Following the release of this opinion, the Legislature enacted Act No. 616, which authorizes the appointment of an absentee election manager. As mentioned at the clerks and registers conference in June, this office requested a clarification of the opinion, hoping enactment of Act No. 616 would authorize compensation to registers handling absentee ballots.

We are hopeful that this opinion will be released in the very near future. As soon as we receive this request, you will be advised of its findings.

ATTORNEY GENERAL'S OPINIONS

Docket Fee in Reciprocal Non-Support Cases

In an opinion dated December 14, 1977,

the Attorney General's office determined that the provision contained within Section 30-4-96(b), Code of Alabama 1975, exempting the state from payment of docket fees is an absolute and unqualified exemption for the state and state agencies from the payment of docket fees in URESA cases. Therefore, when suit is filed by or through the State of Alabama or an agency of the state, there is no docket fee.

In a related opinion dated April 7, 1978, the Attorney General determined that this state exemption would apply in all cases regardless of the style of the case, so long as the prosecution is initiated by the Attorney General, district attorney, solicitor or prosecuting officer on behalf of the state.

Costs and Fees - Juvenile Proceedings

In an opinion dated February 2, 1978, the Attorney General's office determined, pursuant to Section 12-15-10, Code of Alabama 1975, that attorneys' fees in juvenile proceedings shall be valid charges against the county.

This opinion also provides that the cost of making a record of lunacy proceedings in juvenile court would be a valid charge against the county. The opinion states further, however, that any party requesting a court reporter's transcript of the record would be expected to pay for the transcript unless the requesting party is found to be indigent.

Mileage Fees for Out-of-State Witnesses

In a series of opinions rendered by the Attorney General's office between 1930 and 1939, that office determined that witnesses are allowed mileage from the state line only. Our research indicates that these opinions continue to control.

MILEAGE EXPENSES FOR JURORS

Act No. 618, Regular Session 1978, providing for jurors' expense allowance and mileage expenses, does not alter the practice of paying mileage for one round trip. The language of this Act traces the earlier Code section which has been interpreted by the Attorney General as authorizing mileage for one round trip.

NEW ACT EXPANDS RIGHT
OF POLITICAL ACTIVITIES
FOR ALL STATE EMPLOYEES

Act No. 819, passed in the regular session of the State legislature this year, broadly expands the right of state employees to both seek political office and participate in political activities.

The complete text of the act is reprinted as follows:

"Enrolled, An Act,

To remove all restrictions relating to Public Employees of any County or City in the State of Alabama; pertaining to his right to participate in certain political activities and allow public employees the right of free expression in public welfare.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (A) No person in the employment of any city, whether classified or unclassified, shall be denied the right to participate in county and state political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his choosing.

(B) No person in the employment of any county, whether classified or unclassified, shall be denied the right to participate in city and state political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his choosing.

(C) No person in the employment of the State of Alabama, whether classified or unclassified, shall be denied the right to participate in city or county political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his choosing.

(D) All persons in the employment of any city or county shall have the right to join local political clubs and organi-

zations and state or national political parties.

(E) All persons in the employment of any city or county shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and contribute freely to those of his choosing.

Section 2. No person shall attempt to use his official authority or position for the purpose of influencing the vote or political action of any person. Any person who violates this section of this act shall be guilty of a felony punishable by a fine not to exceed \$10,000.00 or imprisonment in the State penitentiary for a period not to exceed two (2) years, or both.

Section 3. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

HUGH ROBERTS ELECTED
STATE BAR PRESIDENT;
LYNWOOD SMITH HEADS
YOUNG LAWYERS GROUP

Hugh Roberts of Tuscaloosa succeeded E. C. Hornsby of Tallassee last week as president of the Alabama State Bar.

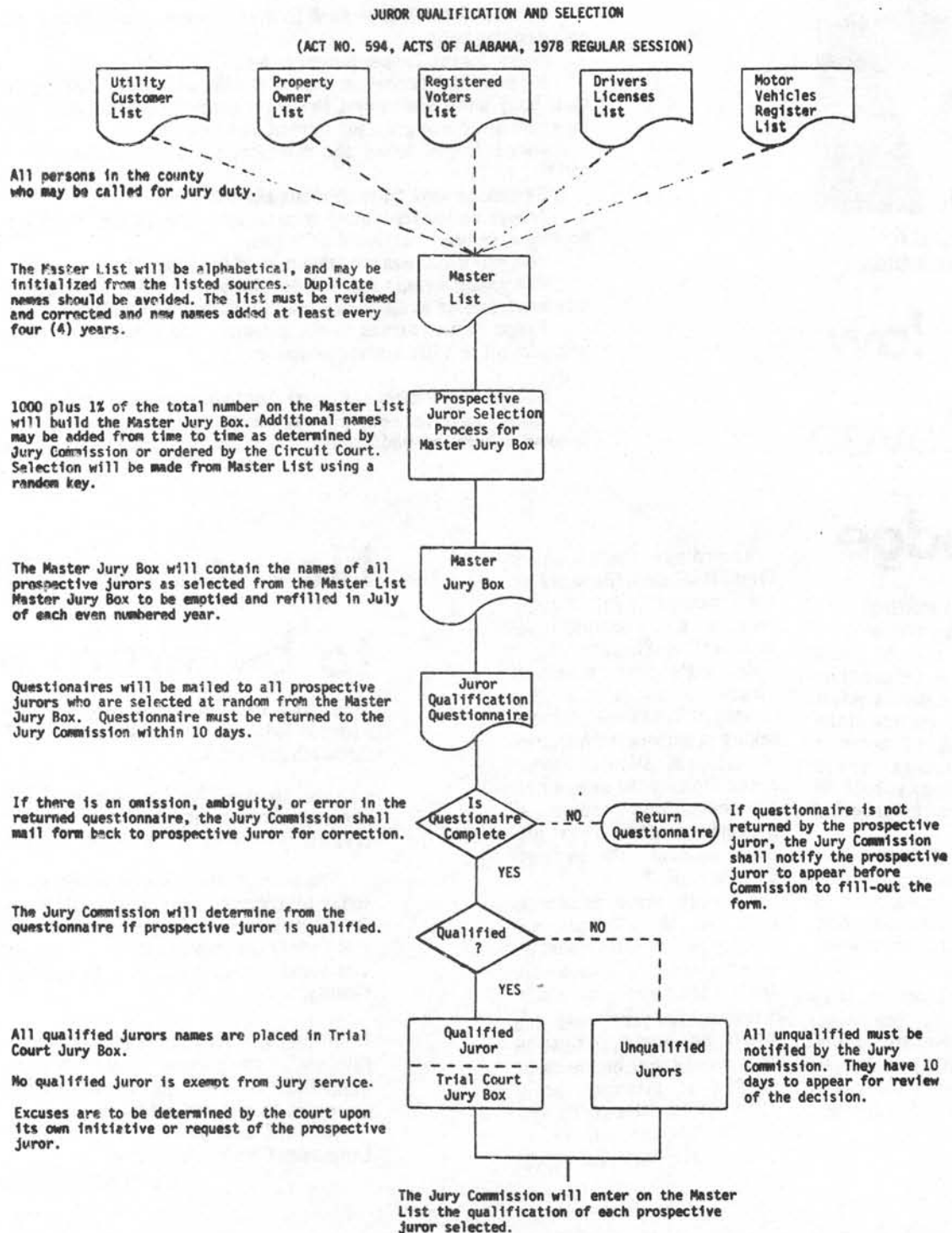
Oakley Melton of Montgomery was elected first vice president and William D. Scruggs, Jr. of Fort Payne was elected second vice president.

C. Lynwood Smith of Huntsville was elected to head the Young Lawyers Section of the State Bar.

COURT NEWS plans to carry photographs of all associations' officers during the coming year. We also urge judge and court officials to submit articles.

FLOW CHART SIMPLIFIES NEW JURY QUALIFICATION PROCESS

The flow chart, reproduced below, was extracted from the new Jury Qualification and Selection law and drawn by Dick Knighton, systems analyst in the Information Systems Division of the Administrative Office of Courts. The chart is a simplified, but accurate representation of the new process.



NEWS CLIPS FROM THE STATE PRESS



JOSEPH COLQUITT
Tuscaloosa judge

1852 law employed by judge

By **BRAD FISHER**
News Staff Writer

Tuscaloosa Circuit Court Judge Joseph A. Colquitt has used one of the state's oldest laws, and perhaps one of the most obscure, to order a state prisoner from Tuscaloosa County held in the jail of a neighboring county.

In sentencing a prisoner on a drug charge, Colquitt found a law dating back to 1852, the date the first Alabama Code was written, which states that if the sentencing judge can show that the jail "in the proper county is insecure or insufficient" for a prisoner, he may order the prisoner sent to the "nearest sufficient jail."

According to the law which Colquitt located, the jailer at the "nearest" jail "must receive and confine the prisoner" sent to him.

Colquitt's order states that "there is no jail in the County of Tuscaloosa for the taking of prisoners" because of the U.S. District Court order limiting the number of prisoners and orders a prisoner sentenced in his court sent to "the nearest sufficient jail."

Although state prisoners held in the Tuscaloosa County Jail have been sent to other county jails to await their transfer to state prisons, Colquitt said his order was the first time in this county that he knows of a county prisoner being sentenced directly to another county's jail.

TUSCALOOSA NEWS

Judge: Either marry the girl or go to jail

Reginald Gammage was in Jefferson County Circuit Court Friday with County Jail bluejeans and handcuffs on.

He was there to learn whether he would have to serve time for grand larceny or would be placed on probation.

GAMMAGE WILL be back in the same court next Friday with bells on—wedding bells.

Judge Joseph Jasper played cupid.

He read the probation report which said Gammage's girlfriend had their baby a few weeks ago, that he was thinking about marrying her, that he would be able to get a job if freed on probation.

Judge Jasper asked the prisoner, "Are you planning to marry the girl?"

Gammage said, "I'm thinking about it."

Jasper called the young woman up to the bench. She came forward, holding a chubby, month-old baby girl.

"Do you want to marry this man?" the judge inquired.

The young woman touched the ribbon tied around one dark curl on the tiny head, smiled at the young man beside her and nodded.

Judge Jasper turned to the prisoner and offered him a choice: Two years in jail or a life sentence outside.

GRINNING FROM ear to ear, the prisoner chose "life."

Jasper gave the couple a week to get a marriage license and get back to court, where the wedding ceremony will be performed by the judge.

BIRMINGHAM NEWS

New circuit judge to be sworn in

ATHENS—Attorney Henry Blizzard will be sworn in today as the first judge of the 39th Judicial Circuit in Alabama.

Gov. George Wallace appointed Blizzard to a two-year term as judge of the circuit which was created by the legislature earlier this year.

The oath of office will be administered at 2 p.m. today by Circuit Judge Newton B. Powell of Decatur. Powell is presiding judge of the Eighth Judicial Circuit which was split by the legislative action this year to create the 39th Circuit in Limestone County.

Powell will also administer the oath of office to Blizzard's law partner, Marc Sandlin, who was named to a two-year appointment as district attorney of the circuit yesterday.

Blizzard and Sandlin will have offices in the Limestone County Courthouse.

BIRMINGHAM POST HERALD

NEWS CLIPS FROM THE STATE PRESS

Heflin's Pelham Merrill is elected to Alabama's Academy of Honor

Pelham J. Merrill, former associate justice of the Alabama Supreme Court, is one of 10 Alabamians elected to the state's Academy of Honor.

The Heflin native, who retired in May, 1976, after 24 years with the high court, is credited with helping bring needed reforms to the state's judicial system during his time on the bench.

Prior to serving on the court, he served several terms in the Alabama House of Representatives. He graduated from the University of Alabama at the age of 18, and from 1934 to 1952 practiced law in Heflin.

He is the brother of three area men — Carl, the Cleburne County solicitor; Walter, an Anniston attorney, and Fred, an Anniston businessman.

Others elected to the academy this year are William Douglas Arant, a Birmingham attorney; Glen P. Brock, railroad industry leader from Mobile; Alfred F. Delchamps of Mobile, founder of a grocery chain; George E. LeMaistre of Tuscaloosa, chairman of the Federal Deposit Insurance Corp.; Seybourn Lynne, Decatur attorney and judge; John F. McRae, retired Mobile banking executive; Bernard A. Monaghan, Birmingham business executive; Armistead Selden, former Congressman and a U.S. ambassador; and Fred W. Singleton, a Birmingham business leader.

Under a 1965 legislative act, 10 persons are elected to the academy each year until it has 100 living members. Merrill and the other new members will be inducted at the Capitol later this summer.

THE ANNISTON STAR

Circuit clerk's role multi-faceted

By Joan Boothe

Contrary to popular belief, the job of a circuit clerk does not entail only receiving traffic ticket fines. That is a very minor part of a Circuit Clerk's duties.

The simplest way to describe the role of a circuit clerk is one of keeping records of all court cases.

When James Floyd was elected as Pickens County's circuit clerk a year ago in January, he said he did not know all of the "details" that his new job would require. He had only been involved in court a couple of times before he took over his new office and says he is still learning about the

system.

The court system Floyd has to keep up with is made up of a district criminal court, a district civil court, a small claims court, which he describes as the "most used," a circuit civil court and a circuit criminal court.

The district courts are presided over by District Judge B.G. Robison, Jr. In district criminal court, filings are made for bad checks, traffic cases, and criminal cases considered to be misdemeanors such as simple assault or disturbing the peace.

Floyd said that the district civil court can handle cases which would have jurisdiction of up to \$5000, such as accidents.

The district judge also presides over juvenile court. Pickens County's juvenile probation officer is Rita McCafferty, who was featured in an article several weeks ago.

The small claims court, which allows individuals with a claim against other individuals up to \$500 to file claim has had "real good response" Floyd said. He says this court has been quite a "success." Individuals are allowed to act as their own attorney before the court to prosecute their own case.

The staff in the circuit clerk's office consists of Becky Jones, deputy clerk, and Janice Tilley. Floyd said he could not do without them. "I depend on

them for all of the typing, outgoing mail, etc.," he said, adding that they are both real "efficient" help.

They are responsible in that office for making a court docket, which includes all cases for the day. They also have to have a file folder containing formal court proceedings from the time the case was first filed to the current day. "Everything filed in a case is on file in our office," Floyd said. The files go to court for them to be "available to and for the attorneys."

Floyd describes the role he plays on court day as that of "having the docket and all files available." As circuit Clerk, he is also responsible for swearing

in the jury and witnesses.

The circuit courts are presided over by Clatus Junkin, circuit judge for Fayette, Lamar and Pickens Counties.

"He has the authority to appoint a district judge to preside over a case when necessary," Floyd said.

The distinction between a district and circuit court is that a district court has no jury. Cases are heard before the judge without a jury in district court.

LATE MAIL DELIVERY OF PAYCHECKS SHOULD BE REPORTED TO AOC PROMPTLY

The Administrative Office of Courts is making every effort possible to insure that paychecks are received by all employees on payday.

The post office is cooperating with the AOC in attempting to resolve any problems of late delivery.

The AOC cannot obtain payroll warrants until 1 p.m. on Thursdays preceding Friday paydays. However, the payroll division of AOC is continuing to process paychecks promptly. By hand-carrying them to the post office, paychecks are mailed by 5 p.m. on Thursdays.

Administrative Director of Courts Allen L. Tapley says that last year the U. S. Postal Service assured the AOC that any paycheck mailed on Thursday afternoon would reach any point in the state on Friday. However, there may be instances when this does not occur.

The post office has provided the AOC with a list of contacts at all distribution centers in Alabama who may be called should paychecks be delayed. These contacts have been helpful in attempting to resolve any problem. However, in working to insure prompt delivery of all paychecks, the AOC and the post office need the cooperation of all judges and court officials.

"We are now keeping a log to determine patterns of late delivery and random late deliveries will be followed up each Friday by the AOC payroll division and the post office to locate and deliver any delayed paychecks," Tapley said.

"In order for us to know the location where a pattern of continuing late deliveries is occurring, it is important that judges and court officials notify the payroll division each time checks are not received on time," Tapley said.

"We will be working continuously with the post office to find a permanent solution to areas where late deliveries are frequent," Tapley added.

NINE MOBILE OFFICIALS LOG OVER 250 YEARS COURT SERVICE

Haughton with over 40 years; H. B. Haughton, Jr., over 36; Allie Mae Moore, Estelle White and William R. Wentworth, all over 30; Ben F. Welborn, over 24; Janice Mayfield, Wilhelmina Lee and Doris Easterling, all over 20.

Nine officials and employees of the Register's office in Mobile have a total of over 250 years service with the court system. They include: Register Elsworth



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