

COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

Vol. 3, No. 7

July, 1979



Phelps, on bench; Justice Hugh Maddox explain judicial system to international youth tour.

"INVOLVED"

BEST DESCRIBES

JOE PHELPS

"Involved" is the word that would best describe Circuit Judge Joe Phelps of Montgomery, who is beginning his second year as acting dean of the Alabama Judicial College.

Phelps' involvement is not limited to his judicial duties. He works actively in community affairs to build the image of the judiciary.

Phelps feels that working to modernize the courts is a special kind of challenge, one that he delights in attacking with every ounce of his energy and ability. He believes that the full development of judicial

(Continued on Page 2)

MODEL FILING SYSTEM

FOR MUNICIPAL COURTS

DEVELOPED BY AOC

The Municipal Court Division of the Administrative Office of Courts has developed a set of recommendations for a model filing system in municipal courts.

These recommendations were presented to municipal judges at the annual meeting of the Alabama Municipal Judges Association in May and will also be presented at regional seminars for municipal court judges and magistrates later this summer. Angelo Trimble who heads AOC's Municipal Court Division says that one of the primary problems facing municipal courts is the need for a modern, efficient filing system.

(Continued on Page 2)

"INVOLVED" BEST DESCRIBES JOE PHELPS

(Continued from Page 1)

training and education through the judicial college will enhance the quality of justice. "This program provides a means for judges, clerks and registers and court employees to stay up to date and handle the people's business in a more efficient manner," he says.

Phelps also believes that swift and sure justice in criminal cases is important. "It is likewise important that civil litigants have quick access to the courts," Phelps adds.

The diligent work of Phelps and the other judges in the 15th Judicial Circuit has made Montgomery a model circuit for caseload management and disposition of cases. The circuit was the first in the state to utilize a telephone answering device to save on juror and witness costs.

Phelps is actively involved with Montgomery's Law Awareness Program which gives high school and junior high students an in-depth look at the judicial process. He also supports the Liberty Bell Scholarship Program which awards scholarships to winning students in an oratorical contest on law-related subjects. Phelps is also involved with a Lions Club program which sponsors an international boys group tour to learn about the governments in many nations.

Phelps was admitted to the bar in 1958 after graduation from the University of Alabama School of Law. He and his wife, Margaret, have two children, Margaret Lois, 10, and Julie, 8. A niece, Twyla, also lives with the family. Phelps was a law clerk for Associate Justice Thomas S. Lawson of the Alabama Supreme Court from 1958-1959 and served as assistant attorney general from 1959-1961.

In 1968, Phelps was named Dean of Jones Law School. He has served as assistant city attorney and was in private law prac-

tice until 1976 when he was appointed a special circuit judge. Phelps assumed office as a circuit judge of the 15th Judicial Circuit on January 17, 1977.

In June of 1978, Phelps was appointed acting dean of the Alabama Judicial College. In addition, he was appointed to the Judicial Planning Committee and the Supreme Court Advisory Committee on Jury Utilization. Phelps also serves as chairman of the Municipal Court Advisory Committee.

MODEL FILING SYSTEM FOR MUNICIPAL COURTS DEVELOPED BY AOC

(Continued from Page 1)

"Many cities are using large, heavy docket books and odd-sized forms, and are keeping duplicate records, sometimes also duplicating police departments' records," Trimble says.

During February and March of this year, two representatives of the Municipal Court Division visited ten municipalities in eight counties to study their filing systems, interview court personnel and, where possible, observe court in session. A representative cross section of seven courts located in six counties was chosen to be studied based on population and geographic location. The courts were arbitrarily classified as small (population of less than 10,000), medium-sized (10,000 to 15,000), medium large (about 35,000), and large (greater than 100,000). The staff members flow charted procedures followed and collected forms from each court visited. From this study, a set of forms and procedures was developed.

For the model filing system, paperflow through a municipal court has been divided into two categories: traffic and non-traffic cases. Flowcharts and narrative statements have been developed showing recommended procedures for use in a municipal court from the initiation of a traffic or non-traffic case through the adjudication process. Also included are

(Continued on Page 3)

MODEL FILING SYSTEM FOR MUNICIPAL COURTS DEVELOPED BY AOC

(Continued from Page 2)

sample forms for use in a municipal court that should be both timesaving and cost effective.

"The recommendations are not considered to be all inclusive, but are limited to certain basic needs of the court. They should, however, serve as a catalyst to improvement of certain procedures in municipal courts, thereby increasing efficiency of court time and effort, and ultimately improving the quality of justice in the municipal courts in Alabama," Trimble says. The Administrative Office of Courts considers this report to be the first step in the development of a model court system.

The Municipal Court Division has received many requests for assistance in developing record keeping procedures and is presently visiting courts on an individual basis. Courts desiring assistance should contact Trimble at 1-800-392-8077.

AOC WORKING TOWARD

SEPARATION OF "NO SHOWS"

FROM CASE REPORTING SYSTEM

District judges should soon see relief in the statistics produced concerning their pending traffic caseload. The Administrative Office of Courts is currently developing a procedure which would statistically reduce the total number of pending traffic cases to only those cases over which the judges have some control.

District judges have expressed concern about failure-to-appear (FTA) traffic cases being reflected in their pending traffic caseload. Their concern in this matter is legitimate since the pending traffic caseload in some courts has been inflated by nearly 1,000 FTA cases. Their concern is further enhanced because there is little which can be done to quickly

dispose of FTA cases other than to issue notices of failure to appear or UTC-6B's. With the increased emphasis on case management goals, the district judges feel that the FTA cases should be reported separately so as to more accurately reflect their active pending traffic caseload.

Presently, there appear to be alternative methods for breaking out the failure-to-appear pending cases from other traffic cases. One method would involve amending the current Case Reporting System (CRS) for reporting filings and dispositions and would require the clerks to maintain separate monthly statistics on FTA cases and report them on the blue card. The Administrative Office of Courts is hesitant to recommend any changes which would require the clerks to maintain additional information.

Another method would utilize the new computerized UTC-6 procedure presently being developed by the Department of Public Safety. This will reflect the number of FTA pending cases based on the number of court reports to the Department of Public Safety (UTC-6B). After an initial count of present FTA cases in court, future caseloads would be adjusted based on the number of UTC-6B's generated or cleared. The information received from the new UTC-6B system could be interfaced with the CRS system so that the failure to appear traffic pending could be printed out on the CRS run.

Since the Department of Public Safety plans to implement the UTC-6 computer system during this year, the staff at AOC has recommended waiting on the implementation of this system and not trying to amend the CRS system, except as a last resort.

REGIONAL SEMINARS PLANNED

FOR MUNICIPAL JUDGES, MAGISTRATES

A series of six regional one-day seminars is being planned for municipal court judges and magistrates during the months of August and September. The seminars are being sponsored by the Alabama Judicial College and the Municipal Court Division of the AOC.

(Continued on Page 4)

REGIONAL SEMINARS PLANNED FOR MUNICIPAL JUDGES, MAGISTRATES

(Continued from Page 3)

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

Details concerning the seminars will be made available to judges and all court clerks and magistrates when plans are completed. There will be no registration fee and participants will be reimbursed for travel expenses.

DPS CHANGING RECORDS TO COMPUTERIZED SYSTEM

The Department of Public Safety is in the process of changing the driver license records from a manual to a computerized system. This necessitates a change in the procedure for courts to obtain driver history reports.

At the present time, computerized driver history requests from DPS contain only information since April 1, 1977. DPS hopes that this information will be sufficient on most requests and that a five-year record would only be required on aggravated cases. Five-year records will require an extended period of time to process since it requires a manual search of the records and must be typewritten by a clerk rather than automatically printed by the computer. The Department's goal is to have the driver history reports in the mail to the court within 48 hours from the time the request is received.

All driver history requests will be checked by driver license number only, except those for which no numbers are available. These include only revoked or suspended drivers, or those who have never been licensed to drive in this state.

Within the next few weeks, the Department of Public Safety will mail to each court sample forms as well as instructions for completing the forms and for reading the reports.

Information will be furnished on the driver license numbers submitted and incorrect numbers will result in judges obtaining records on the wrong person. Therefore, it is very important that the number be correct.

To order records on persons who do not have a driver license number or those which require a manual search for a five-year period, continue to send a single request for each individual as in the past. These requests will require a longer period of time to process.

WHITE COPIES OF UTC

SHOULD BE COMPLETED

BEFORE MAILING TO DPS

Some courts continue to mail the incomplete white copies of the UTC to the Department of Public Safety. Many are received with items such as Plea of Defendant, Findings of Court, and Orders of the Court not completed. Of special concern is the omission of a check to designate those who have attended Traffic School (DWI or Defensive Driving Courses). This item of information is now being added to the driver history file. Clerks are asked to complete the court record copy as outlined in Chapter 3 of the UTC Manual.

DWI INSTRUCTORS

SEMINAR RESCHEDULED

The annual DWI Instructors Seminar in Tuscaloosa originally planned for November 8-9 has been rescheduled for November 1-2. The week of November 5-9 has been scheduled by the State Department of Mental Health for a drug abuse workshop. Court Referral Program Directors and any others planning to attend this year's DWI Instructor Training Seminar should note this important change in date.



Judge Frank Embry, right, sitting with son, Eric, on State Supreme Court

AN ALABAMA PROFILE

JUDGE FRANK EMBRY: A LIFE DEVOTED TO SERVICE

Reflecting on his career in the law, retired Judge Frank B. Embry recently talked about his years in public life.

"I've always tried to be of help to my town and my community," Embry said. "I've been pretty successful at it, but it was not easy. It all gets back to what President Kennedy said, 'Ask not what your country can do for you, but what you can do for your country.'"

Born in Ashville as the son of "a poor, struggling country lawyer with ten children," Embry moved to Pell City after graduating from law school and has lived there ever since.

Embry now lives with his daughter, and despite the fact he is 86 years old, still serves actively as a judge and puts in a good day's work.

"I'm 86 years old and I still enjoy very good health. I come to the office each day around eight and see if there is any mail to be answered and things like that," Embry said. "I'll sit here and reminisce for a while, meditate and pray some. I'll go to the bank and walk up and down the street to get some exercise."

"Then I'll walk up to the courthouse

and see my favorite sheriff, Clemmons Roe." Embry describes the St. Clair County sheriff as being "one of the best in the state."

Embry's office is located in a law firm's building on Cogswell Avenue. In the office Embry is surrounded by pictures of well-known personalities and plaques of thanks and recognition. Embry says he loves to think back, but still lives very much in the present. He sprinkles his conversation with mild expletives and doesn't mind speaking his opinions on any subject. As a retired judge, Embry is under the direction of the Chief Justice of the Alabama Supreme Court. The chief justice asks Embry to sit in on cases where the presiding judge has stepped down. In that capacity, Embry has presided over some interesting cases in his career.

"I've had some interesting experiences in the courts in Talladega," Embry said. "There was one case called 'The Battle of Battle Street' in which the chief deputy was killed and two other men wounded."

The shooting grew out of a strike by employees of Wehadakee Mills in Talladega. "I was called in to work the case with J.B. Sanford, who was district attorney

(Continued on Page 6)

JUDGE FRANK EMBRY: A LIFE DEVOTED TO SERVICE

(Continued from Page 5)

at the time," Embry said.

Another trial that stands out in his mind involved a woman he successfully defended against a murder charge, only to have her confess to the murder later.

"I defended the woman and got an acquittal on the case. She came to me later and said, 'I've been upset ever since you talked the jury into believing I was innocent.' It turned out she had poisoned her husband," Embry said. Embry said he was filled with regret for defending the woman.

"The woman reached down into her bosom and came out with three sheets of paper. She had written down how she killed him, where she got the poison, and every detail about it."

And what happened to the woman?

"The case was over," Embry said. "The jury had already acquitted her."

Embry once worked a murder case involving a distraught husband and a case of mistaken identity. "This poor boy over in Ragland got himself a one-barrel shotgun and walked 13 miles into Ashville to kill a man. And he didn't have but one shell," Embry said.

The man's wife had left him and was living with two men. "The woman wasn't kidnapped, she was just living with them. So the boy walks over there and kills one of them. But he killed the wrong one. The one who had induced her to live with them wasn't the one he shot," Embry said. "I defended him and he was acquitted, I pleaded the unwritten law."

During the years while a circuit solicitor, now known as the district attorney, for the 16th Circuit, Embry prosecuted five men in Gadsden whose sentences were set at death. One of those sentences was

commuted by the governor, but the other four were executed.

Embry said he personally favors the death penalty, but has never asked a jury to hand one down.

"All of those cases were hard-fought, my Lord, they were hard-fought. I told the jury that decision was entirely up to them," Embry said. "My closing remarks were always 'May He who marks the sparrow's fall guide you to a righteous verdict.'"

Embry lists obtaining the water works in Pell City as his major accomplishment against opposition. "I got authority from the city council to issue bonds in the full amount based on assessed property values. The rich men that owned most of the town gave me hell, but I whipped them," Embry said.

One of Embry's grandfathers was a circuit judge who suffered a heart attack, which later proved to be fatal, while on the bench in Cleburne County.

"He lived for about a week in a boarding house before he died. A while after that I was riding in a car to court with a young man and I asked him if he had a case coming up," Embry said. "He told me he had an appeal case that was coming up. I asked him if he knew anyone there and he said, 'No, but I once knew a judge there, in fact I was in a boarding house with him and gave him the last drink of water he had before he died.'"

The judge the boy knew turned out to be Embry's grandfather, and the judge for the boy's case turned out to be Embry.

"I called my mother to find out if what the boy said was true, and she said it was. When the boy's case came up I promptly nipped it. (Dismissed the case.) The judge called me over and said, 'The jury is sitting there wondering what is happening, what is going on?' When I told him about it, he slapped me on the back and said, 'Good job.'"

During his career, Embry has served two terms as mayor, as a representative in the

(Continued on Page 7)

JUDGE FRANK EMBRY: A LIFE DEVOTED TO SERVICE

(Continued from Page 6)

Alabama Legislature, district attorney, and 11 years as city attorney and city councilman. He taught the Pell City First Methodist Church Brotherhood class for 20 years. Enrolled in the church in 1914, Embry is the oldest living member.

Embry Crossroads is named after his grandfather, James, who came from South Carolina to farm there.

Embry says he is proud of his son, Eric, not because he is a justice of the Supreme Court, but because he "is doing what he wants to do."

"Chief Justice Heflin made the observation when I was appointed to a case on the Supreme Court that it was the first time in the history of Alabama that a father and son had sat on the Supreme Court at the same time," Embry said.

"I guess the most outstanding decree I rendered while I was a judge was in Birmingham in *Abel versus Abel* where I invoked the 14th Amendment," Embry said.

"Up until that time a woman didn't have to pay alimony. I ruled that a judge, after hearing the testimony, could make a wife pay alimony. When I rendered that decision, it was carried in papers all over the United States."

Has Embry ever given any thought to retiring?

"Hell no!" he roared. "Not until they put me in the cemetery up here. I'd be lost if I didn't work. I have to have something to occupy my time and my mind. I have no fears," Embry said. "I go back to the old scripture -- 'I sought the Lord and he heard me and delivered me from my fears.'"

(This article is reprinted from The Talladega Daily Home.)

BLUE CROSS DEPENDENT COVERAGE CAN BE ADDED IN SEPTEMBER

The next open enrollment period for UJS employees who wish to add dependent coverage to their Blue Cross policy is in September.

New enrollment cards, available from the Personnel Division of the AOC, should be filled out electing "family" coverage and listing dependents. They should be returned to the Personnel Division no later than September 7, so that payroll deductions can be made from the September 21 warrant for October coverage.

Coverage will become effective October 1, 1979, with no waiting period. To obtain a new enrollment card, call the toll free number, 1-800-392-8077, Ext. 254.

MATERNITY LEAVE

POLICY CHANGED

To comply with the guidelines of the Pregnancy Discrimination Act (Public Law 95-555 92 Stat. 2076 [1978]), the UJS policy on maternity leave will be as follows:

Requests for maternity leave must be made in writing to the appointing authority. The request must state that it is the employee's intention to return to her job at the end of the leave. Maternity leave will be treated as any other sick leave. The length of the leave should be based on the medical needs of the mother and have the approval of the appointing authority and, of course, is limited to the employee's accumulated and unused days of sick leave. Sick leave may not be advanced to employees on maternity leave.

This amends the current leave policy which specifies that limited sick leave may be taken. A revision of the leave section of the Personnel Procedures Manual will be forwarded to all administrators in the near future.

DATE CHANGED
FOR NEW EMPLOYEE
ORIENTATION PROGRAM

The dates for the first orientation program for new employees in the clerks' and registers' offices have been changed to September 20-21, 1979. The program was originally scheduled for August 2-3, 1979. However, the location remains the same, Farrah Hall on the University of Alabama campus in Tuscaloosa.

DATE CHANGED
FOR CLERKS', REGISTERS'
SUMMER CONFERENCE

The dates for the Clerks' and Registers' Annual Summer Conference have been changed to June 19-21, 1980. The dates were originally June 26-28, 1980. Lake Guntersville State Park remains the location for this conference.

JUDICIAL EDUCATION, TRAINING
PROGRAMS MUST BE EVALUATED

The Administrative Office of Courts and the Alabama Judicial College are bound by agreements with funding agencies to conduct out-of-state judicial education and training programs attended by Alabama judicial and court-supportive personnel whose travel expenses are reimbursed from state and federal grant funds.

a. Judicial and court-supportive personnel who attend in-state conferences, seminars, workshops, meetings and judicial education institutions will be requested to complete an evaluation upon completion of the program. Evaluation forms will be distributed to all concerned during the meetings mentioned above.

b. Judicial and court-supportive personnel who attend out-of-state conferences, seminars, workshops, meetings and judicial education institutions will be requested to complete an evaluation upon completion of the program, and a follow-up evaluation

three (3) months after program attendance to determine the impact of such training and education in their area of responsibility. Evaluation forms will be mailed to all concerned.

"Your cooperation is vital to this program and we solicit your support," Associate Dean Thelma Braswell said.

BILL HERNDON NAMED
LEAA SPECIAL ASSISTANT

William (Bill) Herndon of the Atlanta Office of Audit and Investigation, Law Enforcement Assistance Administration (LEAA), has been appointed special assistant on state court matters to LEAA Administrator Henry S. Dogin.

Herndon, a veteran of 30 years federal government service, has been with LEAA since 1971.

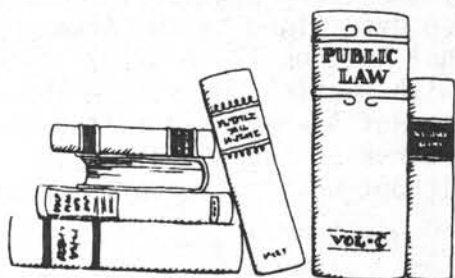
In his new position, he will be the agency's liaison between state courts systems and the LEAA. He will deal directly with top court officials throughout the nation.

Herndon assumes his new position as state courts reform activities get into full swing. LEAA's reauthorization legislation in 1976 included financial support for court planning. Since then, the states established judicial planning committees and gave the judiciary a bigger say in criminal justice state planning agencies. The states contributed \$11.2 million in block action funds to aid court reform and LEAA contributed \$8 million in discretionary funds.

LEAA's court improvement program is in accord with the American Bar Association Standards on Judicial Administration.

"Bill Herndon is considered by state chief justices and others to be one of the country's leading experts on state court problems, and he will be charged with overseeing the success of LEAA programs for court improvements, which is one of my national priorities," Mr. Dogin said.

LEGAL NOTES

FEEs FOR ALIAS WRITS

We would like to elaborate upon a point of information contained in the handout provided by the Examiners of Public Accounts at the recent clerks' and registers' meeting. Under "Additional Matters" on the back side of that sheet, it was stated that "there is now no provision for a fee for an alias writ." That statement is incorrect in that it should have stated that there are no fees for alias writs other than those prescribed in Section 12-19-171, Code of Alabama 1975. Subsections (a)(1)a. and (a)(2)a. of that section provide for a \$5.00 fee and a \$15.00 fee for alias writs arising from nonmoving traffic violations in the district and circuit courts, respectively. Other than these fees for alias writs arising from nonmoving traffic violations, we can find no authority for a fee for other types of alias writs. Alias writs, as used in this context, do not mean and are not equated with subsequent attempts at service of process.

SHERIFF'S DUTY REGARDING REPORTING OF CONFINED PRISONERS DISCUSSED

Pursuant to Section 14-6-14, Code of Alabama 1975, it is the duty of the sheriff, on the first day of each session of the circuit court of his county, to make out and deliver to the presiding judge a certified list of the names of all prisoners confined in the jail and of the offenses with which they are charged or of which they have been convicted. Failure to

prepare this list is a misdemeanor.

Under the provisions of Section 14-6-15, Code of Alabama 1975, it is the duty of the sheriff, when a prisoner is committed to the county jail, to report in writing to the circuit court clerk of such county, within ten (10) days succeeding the commitment, the name of the prisoner, the day he entered jail, and by what authority and upon what charge the prisoner was committed. When the prisoner is discharged from or otherwise leaves the jail, the sheriff must report to the circuit court clerk within two (2) days the name of the prisoner and by what authority and when he so left or was discharged.

MILEAGE EXPENSES FOR JURORS

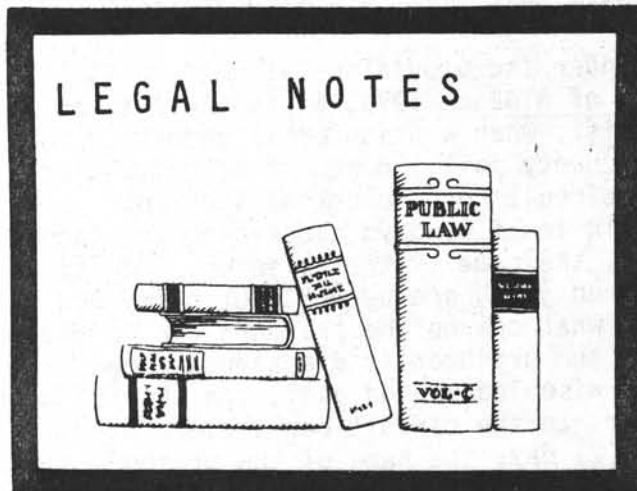
It has come to our attention that questions may still exist as to the payment of mileage expenses for jurors. As stated in the March, 1978, "Court News," it is the opinion of this office that jurors should receive mileage expenses for one round trip only. Act 1205, Regular Session 1975, increased the amount of per diem payable to jurors to \$10.00 and made juror certificates payable out of the state treasury. However, Act 1205 did not change the language of Title 11, Section 98, Code of Alabama 1940, which authorizes jurors to receive "\$.05 for each mile traveled in going to and returning from court." This language (currently found in Section 12-19-210, Code of Alabama 1975) has previously been interpreted by the Attorney General to mean expenses for one round trip. Therefore, we conclude that jurors receive a mileage expense of \$.05 per mile for one round trip only.

CANON 3A(5), CANONS OF JUDICIAL ETHICS, AMENDED

On June 5, 1979, the Supreme Court of Alabama amended Canon 3A(5), Canons of Judicial Ethics, to read as follows:

"(5) A judge should dispose promptly of the business of the court, being ever mindful of matters taken under submission. On the 1st day of January and the 1st day of July of each

(Continued on Page 10)



LEGAL NOTES

(Continued from Page 9)

year, each judge shall file a report which shall show the cases and/or matters which have been under submission or advisement for a period of six months or longer, and if there has been no case or matter under submission or advisement for a period of six months or longer the report shall so state. Where a matter or case has been under submission or advisement for six months or longer, the report shall give the date that the matter or case was taken under submission or advisement and the reasons for the failure of the judge to decide such matters or cases. Trial judges shall file their lists with the administrative office of courts, and appellate judges shall file their lists with the clerk of their appellate court."

The effective date of this amendment was July 2, 1979.

ATTORNEY GENERAL OPINIONS

In an opinion dated July 11, 1979, the Attorney General determined that circuit court clerks may receive the compensation provided by Section 12-15-37(a), Code of Alabama 1975, for services rendered as clerks of a jury commission. The Attorney General reasoned that, although Section 12-16-37(a) was already in effect when Act 1205, Regular Session 1975, was

passed, the duties of jury commission clerk prescribed therein are additional duties which may or may not be performed by the circuit clerk and are, therefore, not covered by the clerk's general state salary. It was also determined by the Attorney General that Section 12-16-37(a) is not in conflict with Section 280 of the 1901 Constitution of Alabama and that a circuit clerk may serve as clerk of the jury commission without holding two offices of profit.

Copies of this opinion may be obtained by contacting Melinda Mitchell, legal counsel, at this office.

In another recent opinion dated June 29, 1979, given to William J. Davis, director of the State Department of Industrial Relations, the Attorney General determined that all state agencies must pre-pay a docket fee for any civil action brought in the name of and on behalf of the State of Alabama under the provisions of Section 6-5-1(a), Code of Alabama 1975. The Attorney General noted, however, that in certain cases, i.e., uniform reciprocal support actions, the state is still specifically exempted from payment of a docket fee by other Code sections.

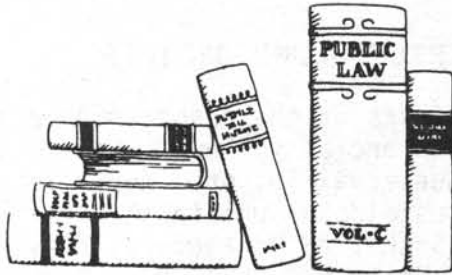
This office received a copy of this opinion on July 24, 1979. Because of its importance, the opinion is reprinted in its entirety below.

"This is in response to your request for an opinion of this office of April 26, 1979, in which you asked whether the Department of Industrial Relations and other similarly situated State Agencies must pay a docket fee for a civil action brought in the name of and on behalf of the State of Alabama.

In answer to your question, it is my opinion that State Agencies must pay docket fees for civil actions brought on behalf of the State of Alabama. Code of Alabama 1975, Section 6-5-1, provides that actions commenced by the State are to be governed by the same rules as actions between indi-

(Continued on Page 11)

LEGAL NOTES



(Continued from Page 10)

viduals. I read this section to mean that the State is responsible for filing fees the same as an individual. It is true that Section 6-5-1(a) provides that the State may commence an action in its own name and is entitled to all remedies provided for the enforcement of rights between individuals without giving bond or security or causing an affidavit to be made. It is also true that there are other Code sections which specifically exempt the state from paying a filing fee. See, e.g., Code of Alabama 1975, Section 30-4-96.

Because Section 6-5-1(a) specifically exempts the State from posting bond or security, and because there are other provisions in the Code which exempt the State from paying docket fees, by negative implication the State would be responsible for all fees not specifically exempted.

Therefore, I am of the opinion that the State is liable for docket fees the same as an individual except in those cases where there is a specific exemption."

ATTORNEY GENERAL'S OPINION RELATING TO DOCKET FEES FOR GARNISHMENTS

According to the June 11, 1979, Attorney General's opinion concerning Section 12-19-75 of the Code of Alabama 1975, all garnishments filed after January 16, 1977, regardless of the filing date of the original case, should carry a docket fee of \$9.00. Several questions have been raised concerning the bookkeeping and filing procedures that should be utilized in these types of cases. The following procedure has been suggested as an appropriate process:

(1) When a new garnishment is filed after January 16, 1977, regarding an original case filed before January 16, 1977, the new docket fee (\$9.00) should be collected, receipted into the new receipt book and posted into the new cash book.

(2) In the receipting and posting process, the case number of the old case should be used. As a result, it will not be necessary to set up a new case file for this garnishment. The old case file should be used and all documentation should be kept within this old file.

(3) On the old docket sheet that is included in your old case file, you should indicate the date and the fact that a \$9.00 docket fee was collected.

2 (4) If money is collected according to the garnishment, it should be processed under the old system.

(5) The \$9.00 docket fee that has been collected, receipted and posted into the new cash book should be distributed at the end of the month in the same manner as all other garnishments.

If you should have any questions concerning this process, please feel free to contact Mike Brown, field operations accountant, at the Administrative Office of Courts.

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BOB, JOYCE MARTIN

EXPRESS APPRECIATION

The following letter was received by "Court News" from Bob and Joyce Martin:

"We would like to express our appreciation for all your kindness following the accident last year.

"The many prayers, thoughts, calls and letters of concern helped us both through a most trying time in our lives.

"With the realization that life must go on it is wonderful to know that we have the friendship and association of people like you to share it with.

"With a gratitude that words cannot express we wish the very best to each of you."

56 YEARS OF SERVICE

FOR MOBILE'S MYRTLE TROTT

June 11, 1979, marked 56 consecutive years of service to the court system in Mobile for Myrtle Trott. Mrs. Trott came to the Mobile courts June 11, 1923, after graduating from the old St. Vincent's School for Girls. Myrtle has worked under Sextus Smith, William Conrad, John Mandeville, briefly for Mrs. John Mandeville, and William J. O'Connor. She is presently working under Maurice Castle. Mrs. Trott is the oldest employee in Mobile County.

NEW CIRCUIT JUDGE OFFICERS

New officers of the Association of Circuit Judges are: F. Murland Smith of Andalusia, president; John D. Snodgrass of Huntsville, first vice president; Robert E. L. Key of Evergreen, second vice president; Joseph Colquitt of Tuscaloosa, secretary/treasurer.

NEW DISTRICT JUDGE OFFICERS

New officers of the Association of District Judges are as follows: Melvin E. Grass of Guntersville, president; John M. Karrh of Tuscaloosa, president elect; Newman C. Sankey of Montgomery, first vice president; William G. Fowler of Birmingham, second vice president; Dominick J. Matranga of Mobile, secretary; and Jerry L. Fielding of Sylacauga, treasurer.

WOODRUFF INSTRUCTS

SOUTH ALABAMA STUDENTS

Cedric Woodruff, court administrator for the 13th Judicial Circuit, recently gave students studying criminal justice administration at the University of South Alabama an introduction to the state's judicial system.

Woodruff said he felt his teaching assignment at the university was an excellent opportunity to acquaint the students with the operation of the court system.

ED TEASE NAMED TO COURT

OF JUDICIARY; KENNETH INGRAM

APPOINTED TO INQUIRY COMMISSION

Circuit Judge Ed Tease of Florence has been elected to the Court of the Judiciary, replacing Judge William Bibb who is retiring. The Court hears cases against state judges brought by the Judicial Inquiry Commission.

The circuit judges' association has also named Circuit Judge Kenneth Ingram to the Inquiry Commission, replacing Judge Edward N. Scruggs who is planning to retire and work on the Court of Civil Appeals. The Inquiry Commission investigates complaints against state judges.

NEWS CLIPS FROM THE STATE PRESS

THE TUSCALOOSA NEWS Monday, July 23, 1979 3



Court reporter officers and speaker

Patricia Seymour (L), senior writer-editor of publications at the University of Alabama, spoke Saturday night at the banquet of the Alabama Shorthand Reporters Association. She is shown with new officers heading the state court reporters' organization (L-R) Paul Smith of Tuscaloosa, president; David Miller of Birmingham, president-elect; Rita Nicholson of

Jasper, secretary; and Alice Sweeney of Huntsville, vice president. Special guests at the annual meeting included Doris Mauldin of Miami, president of the national association, who installed the state officers, and Doris Wong of Boston, national president-elect nominee. (News staff photo by Terry Townsend)

Impressed with concern shown to jurors

Recently, I was privileged to serve on the jury of the Circuit Court of Jefferson County. This was my first time to be called for jury duty.

I was impressed with the attention and concern shown to the jurors by everyone at the courthouse, including the judges in both civil and criminal courts. During my week at the courthouse, parking was no problem since the county parking lot was available to us.

I was sequestered for one night and it was amazing how well this was handled. After dinner, we were taken to a motel for the night. The transportation of the 12 jurors, food and lodging was very capably handled by Jefferson County employees. The Jefferson County lunchroom was very convenient for lunch and the food there is excellent.

When a request is received for jury duty, you can look forward to an interesting and informative week at the courthouse.

IRMA B. SANDERS,
504 Hagood Street.



The jury box...important seats to fill

JURY MANAGEMENT PROJECT

TO BEGIN IN SEPTEMBER;

14 COUNTIES TO PARTICIPATE

On behalf of the Alabama Judicial System, the AOC has submitted an application for funding under LEAA's Jury Usage and Management Incentive Program. The program provides grants of incentive funds to states that propose to improve jury systems in their trial courts. Only five to seven states will be selected to participate in the program.

Under the program, participating courts will agree to implement a jury management plan involving 12 elements of their jury system. The plan will consist of changes in practices and methods that have proven to be beneficial either in "equity, savings, or satisfaction." Equity is achieved through a better representation of the community on the jury and wider sharing of the burden of jury service. Savings to jurors, to the court and to the community will result from the application of program techniques for efficient selection and use of jurors and improved management. Satisfaction with the experience of jury duty will result from the more effective use of jurors.

The proposed Alabama Jury Management and Utilization Program is scheduled to begin on September 1, 1979, and will continue for one year. Fourteen counties have been tentatively selected to participate in the program. As assessment will be made of each court and an information reporting system established. Based on data obtained from the information reporting system and local assessment, a jury management plan will be developed for implementation in each of the pilot courts. Each plan will address the 12 program elements and contain specific recommendations for meeting the established standards. The 12 elements deal with technical aspects of jury management developed during a two-year LEAA demonstration court program in which 18 jurisdictions participated.

AOC DEVELOPING

COMMUNICATIONS LINK

WITH OFFICIALS

In February, 1979, the Judicial Planning Committee initiated the development of a new comprehensive plan for the courts of Alabama. As part of this process, staff of the AOC met with various court officials and representatives of agencies and local governments to discuss the operations and needs for improvement in our court system.

While these meetings succeeded in providing an overview of the major problems and needs for improvements in our courts, they also emphasized the fact that many local officials do not have a comprehensive understanding of the overall operation of the courts and its many and varied functions and requirements.

In conjunction with the Judicial College, Frank Gregory, AOC assistant director for planning research and development, will be meeting this summer with local officials throughout the state. The purpose of these meetings will be to provide county commissioners, sheriffs and police chiefs with detailed information concerning the operation of the Unified Judicial System and to solicit their recommendations for improvements in our system.

The Administrative Office of Courts is developing an informational slide presentation for use at these meetings. In addition to providing a historical perspective on the establishment of the Unified Judicial System, this presentation will identify the various functions and responsibilities of the court system, the roles of our many court officials and court employees, and current activities or programs which are being undertaken to improve the operation of our system.

"By improving communication with agencies and officials who work closely with the courts, we can develop the cooperative partnership necessary to improve judicial services," Allen Tapley, administrative director of courts, said.

POST-HERALD, AUBURN TELEVISION WIN IN GAVEL AWARDS COMPETITION

Auburn Television and the Birmingham Post-Herald have been named "Certificate of Merit" winners in the 1979 Gavel Awards competition of the American Bar Association.

The 1979 awards attracted 361 entries from 223 different communications organizations.

The Post-Herald was the "Certificate of Merit" winner among newspapers of between 50,000-200,000 circulation. Its entry was a ten-part series entitled "The Rule of Law" written by Thomas Hargrove and Frank Morring.

Auburn Television was the "Certificate of Merit" winner in the category of locally produced educational and public broadcasting. Auburn's entry, "The Alabama Supreme Court: A Changing Constant," explains the structure and function of the Court.

PUBLIC TV TO REBROADCAST

PROGRAM ON STATE SUPREME COURT

"The Alabama Supreme Court: A Changing Constant," produced by Auburn Television and originally aired last fall, will be rebroadcast August 11th at 9 p.m. on the Alabama Public Television Network.

The 60-minute program, which goes behind the scenes at the state's highest court, recently won an award in the ABA Gavel Awards competition.

IBM WARNS OFFICIALS

ABOUT PHONE SOLICITATION

A number of individuals, misrepresenting themselves as representatives of IBM, have been soliciting telephone orders for typewriter ribbons and other office equipment supplies.

If you receive such a telephone call and want to determine whether the caller is actually representing IBM, you should ask for the name, telephone number and IBM location of the caller. You then can verify this information by calling IBM DIRECT, toll free, at 800-631-5582.

RESPONSIBILITY FOR JUVENILE

FORMS COST IS OUTLINED

A question has arisen as to who is responsible for paying for UJS standardized juvenile court forms. If the clerk of the court maintains juvenile files, the clerk is responsible for ordering the juvenile forms. The total cost of these forms will be charged against the budget of the clerk. If the juvenile files are maintained by the probation staff or the judge's office, the juvenile court judge is responsible for ordering juvenile forms. The total cost of these forms will be charged against the budget of the juvenile judge. This policy applies only to standardized juvenile court forms designed by the AOC. Any other expenses that are incurred in relation to the juvenile court will be handled through the probation officer's budget in each county.

EDITOR'S NOTE

The final day of the legislative session was Monday, July 30. Legislative Digest will be mailed on Wednesday, August 1, with a final wrap-up of the past legislative session. The next issue of "Court News" will carry a detailed account of all bills which passed this session affecting the judicial system.



COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

COURT NEWS, Volume 3, Number 7, newsletter of the Alabama Judicial System, is published monthly as an informational and educational service to state judicial officials and personnel. Inquiries should be addressed to Administrative Office of Courts, 817 South Court Street, Montgomery, AL 36130, Robert Martin, assistant director and editor. Telephone: (205)834-7990 or 1-800-392-8077 (toll free).

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