



COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

Volume 6/Number 7

July, 1982

DRUNK DRIVING - The Number One Cause of Death on Alabama's Highways

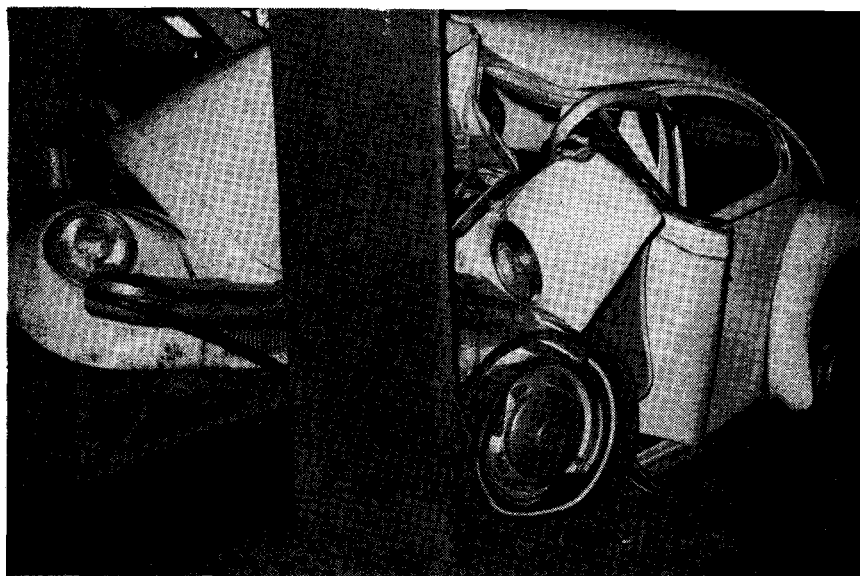
Alcohol-related accidents accounted for 290 of the 944 traffic deaths on Alabama highways in 1981, according to the Department of Public Safety. This figure is derived from reports completed by law enforcement officials at the accident scenes and includes passengers and pedestrians killed by drunk drivers. Due to the inability to test all traffic fatalities, Department of Public Safety officials estimate that the actual number of alcohol-related traffic deaths may be closer to 500.

Last year, the Alabama Department of Forensic Sciences tested the blood alcohol concentration (BAC) of 460 fatally injured drivers, and 244, or 53 percent, had a BAC of .10 percent or above, which by law in Alabama is presumed to be driving under the influence (DUI).

The number of alcohol-related traffic deaths in Alabama parallels nationwide figures included in the 1978 Alcohol and Highway Safety Review which show that between 40 and 50 percent of the fatally injured drivers tested had a BAC of .10 or more. Nationally, drunk drivers kill approximately 25,000 people each year. This equates to a loss of 68 lives daily. In addition to the significant loss of life resulting from drunk drivers, the 7,000 injuries which occur annually cause physical and mental pain as well as the medical and property costs incurred.

Such DUI statistics reflect the problem Americans have with the consumption of alcohol. As a society of drinkers, Americans drink at weddings, sporting

(Continued On Page 2)



One of Alabama's many alcohol-related accidents

	1979	1980	1981
Deaths	285	303	290
Injuries	7,437	7,570	7,442
Accidents	14,310	13,770	13,264

(Continued From Page 1)

events, holiday parties and daily at happy hours. Advertising, TV programs and movies portray drinking alcohol as a normal, acceptable and routine occurrence for Americans of all ages.

Statistics reveal that approximately 70 percent of the adult population over 18 years of age drink. Among the youth of the country, 42 percent of high school students drink at least once a month while 23 percent get drunk 4 to 5 times a year.

JUDGES DOUBLED DUI CONVICTIONS IN 1981

In Alabama, the ratio of DUI convictions to arrests more than doubled in 1981. Alabama law enforcement officials arrested 36,327 persons for driving under the influence, and of that number, 30,595, or 84 percent of the defendants, were convicted of DUI, making it the second leading type of traffic conviction. Thirty percent, or 9,508, of the total number of convictions involved repeat DUI offenders. Despite the 9,508 convictions of these repeat offenders, the Department of Public Safety took further action against 8,964 defendants who were driving with revoked or suspended licenses.

The significant increase in convictions for 1981 was primarily the result of the passage of an updated Rules of the Road Act

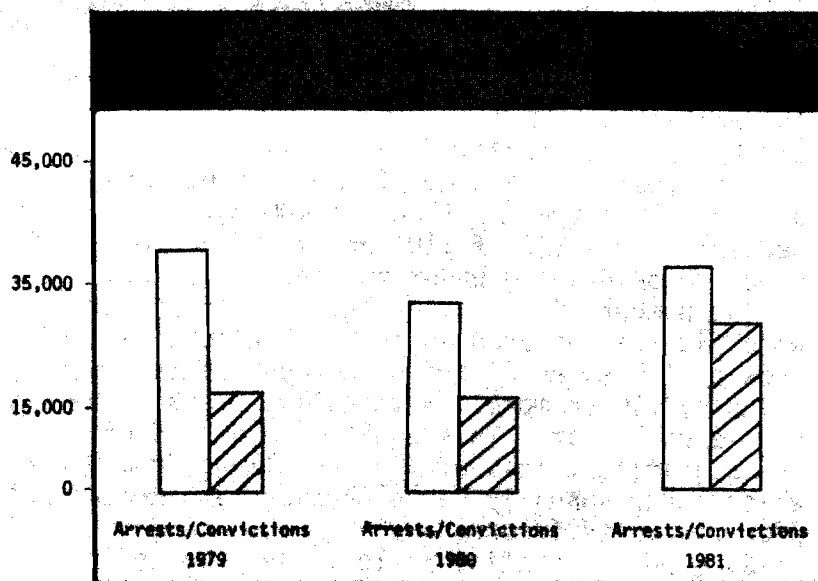
during the 1980 Regular Session of the Alabama Legislature. Prior to the revision of the Act, only 40 percent of those arrested were convicted of DWI in the district and municipal courts.

In the fall of 1979, Chief Justice C. C. Torbert Jr. called together a group consisting of concerned district judges and Col. Jerry Shoemaker, director of the Department of Public Safety, to discuss the state's drunk driving laws. The group recommended full judicial discretion of licensing

sanctions on the first offenses and mandatory revocation of licenses on second offenses. This recommendation was approved by the Judicial Study Commission, which is composed of officials from the executive, legislative and judicial branches of government. During the 1980 Regular Session, Chief Justice Torbert and the district judges of the state vigorously supported this Rules of the Road Act.

In spite of the high number of accidents, deaths and injuries which result from drunk drivers, Alabama is ranked third in the southeastern United States in the percentage of decreases in traffic fatalities. In the period of Jan. thru

(Continued On Page 3)



(Continued From Page 2)

April 1982, traffic fatalities decreased by 48 and non-traffic fatalities by four. "Law enforcement officials at the city, county and state levels are to be commended for the fine work they are doing in apprehending drunk drivers," said C. C. "Bo" Torbert, chief justice of the Alabama Supreme Court. "Through the hard work and cooperation of all components of the criminal justice system, we can send a message to all drivers that drinking and driving are unacceptable and will not be tolerated in Alabama," added Torbert.

DUI SCHOOLS

The Rules of the Road Act contained provisions which mandated that first-time offenders attend a DUI school approved by the Administrative Office of Courts. Prior to this time, it was at the discretion of the municipal or district judge whether or not DUI defendants attended these schools. The DUI schools began in 1972 when the Alabama Office of Highway and Traffic Safety awarded a series of federal grants to the state court system. The grants were used to purchase equipment and supplies for municipalities throughout the state to establish DUI schools. In 1972, only three DUI schools existed. They were located in Birmingham, Huntsville and Mobile. Today, the DUI school network has grown to 28 agencies conducting schools in 58 locations in Alabama.

As of December 31, 1981, a total of 101,368 students had completed a DUI school as the result of referrals from 419 different municipal and district courts. A study conducted for the Office of Highway and Traffic Safety by Auburn University in 1977 concluded that 30 lives would be saved and 690 accidents prevented for every 10,000 students completing a school. This translates into a theoretical saving of 304 lives and 6,995 accidents over this period.

As an aid to the DUI schools, a DUI Court Procedures Manual was published in 1974. This manual provided each school with lesson plans and with the administra-

- * 18-30% of all arrests are for drinking driving offenses
- * Alcohol-impaired drivers are involved in at least
 - 55-65% of single-car fatalities
 - 50% of multiple-car fatalities
- * Typically, more than 90% of DUI arrests involve males
- * For every DUI arrest, 2000 incidents of drinking-driving go undetected
- * The average arrest BAC nationwide is 0.20%; a great majority of arrested drivers have extremely high BAC's (0.15% or higher)

Source - National Institute on Alcohol Abuse and Alcoholism (NIAAA)

tive, technical and resource information necessary to provide quality instruction. After the establishment of the Alabama Judicial College in 1978, a program was begun to provide in-service training for DUI instructors. Each new DUI instructor is required to attend a one-week training program to learn the instructional techniques that must be demonstrated prior to certification, and all instructors must attend a two-day in-service training conference once every two years.

Realizing that DUI schools will not prevent a person with a serious alcohol dependency from drinking and driving, a DUI court referral committee was established to develop treatment alternatives. Initially, the committee developed several methods of determining those defendants with a severe alcohol dependency. Procedures for referring these individuals to alcoholics anonymous, local mental health associations and other volunteer organizations were established. At present, several DUI schools have implemented such programs and the results have been encouraging. Bob Simpson, coordinator for Court Referral Programs at the Administrative Office of Courts says, "Diagnosis and treatment is our best hope of getting problem drinkers off our highways. Studies reveal that while jail sentences remove offenders from the highway, they do not cure their dependence on alcohol."

"MR. J.O." RETIRES

"I don't have any words of wisdom to say today. But I would like to tell you that I have enjoyed working with you, I love you and I will always carry fond memories of you," said retiring Supreme Court Clerk J. O. Sentell at a gathering given in his honor.

James Oscar Sentell, who became the fifth clerk of the Supreme Court on Jan. 23, 1968, retired June 30, having worked 50 years in the law profession. Sentell began his law career as an attorney in 1932, and for more than 25 years, he practiced in Luverne and Montgomery.

In 1962, Sentell became the first assistant U.S. attorney for the Middle District of Alabama, a position he held until joining the state court system in 1967. On July 1, 1967, he became deputy clerk of the Supreme Court.

While clerk of the Supreme Court, Sentell also served as clerk of the Court of Civil Appeals from its establishment in 1969 until May 9, 1975, and as secretary of the Court of the Judiciary from its inception in March, 1974 to March, 1976. He was one of the founders and the first president of the National Conference of Appellate Court Clerks, receiving the first distinguished service award presented by the Conference in 1979.

During his tenure as clerk of the Supreme Court, J. O. Sentell saw many changes. Three chief justices and 18 associate justices served while he was clerk. In 1969, membership of the Supreme Court was increased from seven to nine; the Court of Civil Appeals was created and the jurisdiction of the Supreme Court and the Court of Criminal Appeals was changed.

Disposition of cases and petitions in the Supreme Court increased 166% from 1967 to 1980. On Sept. 30, 1968, there were 260 cases under submission in the Supreme Court, and on Sept. 30, 1980, there were no cases under submission.

Ten complete sets of rules and many amendments were promulgated by the Supreme Court while Sentell was clerk, and more than 200 members of various advisory and standing committees of the Supreme Court were involved in this endeavor.

Born in Luverne on July 3, 1909, J. O. Sentell is the son of James Oscar and Ida

Stakley Sentell. He attended the University of Alabama and received his B.A. in 1930 and his LL.B. in 1932. He is married to the former Jane Elizabeth Jones, and they have three children.

At the gathering on June 30, Chief Justice Torbert praised Sentell for his outstanding service as clerk of the Supreme Court. He said, "We will miss you from a professional standpoint, but more than that, we'll miss you as a friend and an advisor. So don't make yourself scarce; come back and see us."



J. O. SENTELL
SUPREME COURT CLERK



COMPUTER UPDATE**Madison And Montgomery Case Tracking Systems Now Operative**

Phase one pilot testing of the computerized index and criminal case tracking system in Madison and Montgomery Counties is nearing completion. Fred Fontaine of the Montgomery County Circuit Clerk's office and David Rogers and Gary Stephens of the Madison County Circuit Clerk's office have been trained in the operation of the IBM Series/I Computer equipment and are currently inputting and retrieving data. Thus far, 38 computer programs have been prepared by the Judicial Data Center at the Administrative Office of Courts. By mid-July, all programs for the case tracking system should be fully operational in Madison and Montgomery Counties.

In phase one, the criminal case tracking system (CCT) will provide six report/products for the judges' and circuit clerks' use. It is important to note, however, that the products generated by the computer will not replace any paper document that is presently required, but will aid in the production of those documents.

Computerized Court Index - At present, 35,000 names are stored in the index in Madison County while Montgomery County's index holds 25,000 entries. The computerized court index parallels the manual index system but facilitates the retrieval of information. The system has the capability to locate names using only partial spellings, a function especially useful in researching unusual names. By enter-

ing the court jurisdiction (CC, CV, etc.) and name, the computer will search for the record and display on a video screen the full name, case number(s), charge/type of case, and judge assigned. The computerized index system may be utilized in all jurisdictions of district and circuit court.

Case Action Summary - Following the filing of a new criminal case, the computer produces a case action summary (CAS) identical to the one presently used in the clerk's office. Information which is entered on the case action summary at the time of filing, such as case number, case type, charge and attorney, etc., is entered into the computer and printed on the computer generated case action summary. This procedure alleviates the clerk's office from entering the information in the computer and then onto the case action summary. In the future, the possibility exists for entering most of the actions pertaining to criminal cases into the computer, recalling case action summary information on the computer video terminal, and printing hard copy case action summaries.

Case Tracking Reports - A pre-trial and post-trial case report is produced which supplies case status information on each judge's pending criminal cases. The pre-trial report lists those cases in which no final court disposition (trial, guilty plea, dismissal, etc.) has taken

(Continued On Page 6)

COMPUTERIZED COURT INDEX

ALABAMA STATEWIDE JUDICIAL INFORMATION SYSTEM

PAGE 7

INDEX	AUDIT	LISTING	DATE PREPARED	DECEMBER 23, 1981						
LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX KEY	AKA	CASE NUMBER	CHG	DEF	JUD	CHARGE	FILM
BEASLEY	JOHN	ROBERT	001	CC81	319.00	00	00	W	POSS MARIJ	
BEASLEY	JOHN	ROBERT	002	CC81	528.00	00	00	W	SALE MARIJ	
BEASLEY	LINDA	FAYE	001	CC80	909.00	00	00	W	THEFT PRPT	
BEASLEY	LINDA	FAYE	002	CC80	908.00	00	00	W	ASSAULT	
BEASLEY	MARY	LEE	001	CC78	212.00	00	00	S	PETIT LARC	
BEASLEY	SONNY		001	Y	CC80	1089.00	00	00	W	PES MARIJ
BEASLEY	SONNY		002	Y	CC80	920.00	00	00	W	PES MARIJ
BEAULIER	ARTHUR	JAMES	001	CC80	804.00	00	00	Y	LSA	
BELCHER	LEONARD		001	CC78	814.00	00	00	Y	BEER MINOR	
BELL	HARRY	HARRISON	JR	001	CC79	951.00	00	00	P	LSA
BELL	LLOYD	KENNEDY		001	CC78	404.00	00	00	S	FORGERY
BELL	LLOYD	KENNEDY	002	CC77	648.00	00	00	S	GL BRCSF	
BELL	LLOYD	K	001	CC80	214.00	00	00	S	B/THEFT	
BENNETT	GEORGE		001	Y	CC77	867.00	00	00	Y	DRUG FRAUD
BENNETT	MARVIN		001	CC81	652.00	00	00	S	STORE JUNK	
BENSUN	JAMES	MELVIN	001	CC80	96.00	00	00	W	HARASSMENT	
BENTFORD	VALARIE		001	CC80	1033.00	00	00	P	THEFT-2	

(Continued From Page 5)

place. Information contained in the pre-trial report includes the following: case number, defendant's name, case type (felony, appeal), defense attorney, prosecuting attorney, charge, date of birth, date of arraignment, YO status, trial date, elapsed time from date of initial arrest to present and elapsed time from date of circuit court filing to present, and defendant status such as bond, jail, mental hospital, etc. The report is produced for each judge in case number order.

Cases which have been adjudicated but remain pending because of a sentence or probation hearing are transferred by computer to the post-trial report information includes the following: case number, defendant's name, court action date, to the present. This report is likewise produced for each judge in case number order.

The total pending cases listed in the pre-trial and post-trial reports for all judges equal the total pending criminal caseload for the circuit.

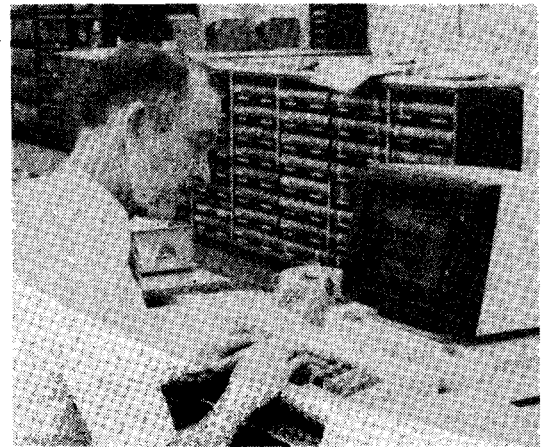
Arraignment Docket - Two versions of the arraignment docket have been programmed. The first version supports courts in which one judge arraigns all criminal cases and the second version supports courts in which each judge arraigns his own cases.

The arraignment docket includes the following information: the date and time of arraignment, case number, judge assigned, defendant's name, defendant's status, charge, case type, defendant's attorney, prosecuting attorney and the defendant's date of birth. Although produced on regular computer printout paper (11" by 15"), the format is designed so that it can easily be copied on legal size paper (8 1/2" by 14") for general distribution.

Trial Docket - Cases set on the trial docket must be manually identified from the pre-trial report. While all other reports are generally listed in case number order, cases on the trial docket will be ordered as specifically directed by the judge or court official. By entering the case number, the sequence in which the case is to appear on the docket and the trial date, the computer will automatically generate all other pertinent information for the trial docket.

Information contained on the trial docket includes: date and time of trial, judge, case number, defendant's name, defendant's status, charge, case type, defendant's attorney and prosecuting attorney. As with the arraignment docket, the trial docket may also be copied onto legal paper for distribution.

Judicial Activity Report - Each month a judicial activity report may be produced showing criminal filings, dispositions by major types and current pending caseload for the circuit or for each judge. The report is designed to be circulated to all judges and to be used by the clerk to complete the circuit criminal portion of the monthly Case Disposition Report for the Case Reporting System (CRS). (Continued On Page 8)



Fred Fontaine enters data into the computer at the Montgomery County Courthouse.

ARRAIGNMENT DOCKET

CCT550-1

JUDGE:

DATE OF ARRAIGNMENT:

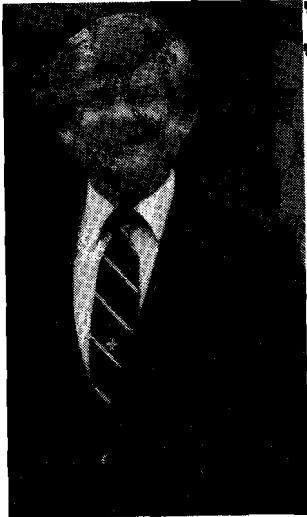
LOCATION/TIME:

ALABAMA
STATE JUDICIAL INFORMATION SYSTEM
CIRCUIT COURT OF MONTGOMERY COUNTY
ARRAIGNMENT DOCKET

DATE PREPARED: 06/14/82
PAGE NO: 30

CASE NUMBER	CHG	DEF	TRIAL JUDGE	DEFENDANT NAME	PROS ATTORNEY	STATUS	DOB	PLEA:	TRIAL DATE:
CHARGE	#	#	CASE TYPE	DEF ATTORNEY				TYPE HEARING/DATE:	
CC 82 563.00 01 01 WATSON			F	PHILLIPS	JOHN M	BOND			
ROBBERY, 3RD				HOWELL RIGGS	J. R. ACCARDI	08/10/63			
CC 82 565.00 01 01 WATSON			F	PARENT	LARRY M	BOND			
BURGLARY, 3RD					LARRY MORGAN	03/19/59			
CC 82 568.00 01 01 YOUNGER			F	HARBIN	ROGER	BOND			
VAUCSA					REID WEBSTER	10/01/61			
CC 82 569.00 01 01 WATSON			F	CORLETT	RONALD W	BOND			
RSP, 1ST					TIM MORGAN	08/16/56			
CC 82 999.00 01 01 BANKS			F	STEINEKER	HELEN	BOND			
ROBBERY						/ /			
CC 82 11111.00 01 01 BANKS			F	BLACKWELL	JIMMY	BOND			
ARSON						/ /			

PEOPLE * PEOPLE



JUDGE JAMES T.
STRICKLAND

Mobile Circuit Judge James T. Strickland will retire Aug. 1, ending 27 years of public service. Prior to his election as a circuit judge, Strickland worked 10 years as chief assistant district attorney. For the past 17 years, he has served as juvenile judge and director of the Mobile County Youth Center, a project that he was instrumental in developing and one that has served as a model for similar

institutions throughout the United States. Additionally, Strickland directed the Investigation and Recovery Department, which collects child support payments. As director, he was responsible for planning the department's computerization.

Judge Strickland is a native Mobilian and a graduate of the University of Alabama. He is married to the former Joan Keeler, and they have two children.

Regarding his career, Strickland said, "I deeply appreciate the people of Mobile for giving me the opportunity to serve them all these years. I pledge to work very closely with the person they elect to succeed me to effect a smooth transition."

He added, "I sincerely hope there will be a continuation of the policies and programs developed over the years which have allowed our court at the Mobile County Youth Center to enjoy the lowest rate of recidivism of any urban area in the state."

Coffee County District Judge Gary L. McAliley addressed school administrators on June 23 at their annual meeting in Montgomery. Judge McAliley spoke about specific areas of concern relating to child abuse, truancy and the legal rights of

school administrators. The meeting was sponsored by the Alabama Council for School Administration and Supervision.



FROM LEFT, CEDRIC A. WOODRUFF, MRS. CHERYL SAVAGE WOODRUFF, CAPT. JOSEPH A. WOODRUFF

Cheryl Savage Woodruff, daughter-in-law of Cedric A. Woodruff, court administrator of the 13th Judicial Circuit, was admitted to the Alabama Bar on May 18. Mrs. Woodruff is married to Capt. Joseph A. Woodruff, Judge Advocate General Corps, U.S. Army.

The Woodruffs presently reside in Columbus, Georgia, during Capt. Woodruff's assignment at Ft. Benning in the same office from which his father retired in July, 1972.

Robert Martin, director of administrative services, recently conducted a seminar on public affairs and public education for a State of Montana's Task Force on Courts' Public Education.

The task force, consisting of trial judges, attorneys, members of the media, state civil and community leaders, representatives of law enforcement and the state's attorney general, was appointed by Montana Chief Justice Frank I. Haswell.

(Continued On Page 8)

PEOPLE * PEOPLE

Lou Ann Rossi, Official Court Reporter for Judge Harry Wilters in the 28th Judicial Circuit, has been awarded a scholarship from the Institute of Anglo-American Studies sponsored by the University of South Alabama and the University of Southern Mississippi. Ms. Rossi will spend July 1 - Aug. 16 in Europe studying criminal jurisprudence as a part of the 1982 British Studies Program. She will spend 3 weeks at the Polytechnic Institute of London and 2½ weeks at Edinburgh University in Scotland.

Aubrey Ford Jr., district judge of Macon County, was featured in the July issue of Ebony Magazine. Judge Ford was interviewed by Ebony as part of an article about the city of Tuskegee and Tuskegee Institute.

Supernumerary District Attorney Lewey Stephens Jr. died Sunday, July 4.

Stephens, a graduate of the University of Alabama, was admitted to the Alabama Bar on Feb. 27, 1950. Subsequently, he was admitted to practice before the United States District Court, Middle District of Alabama.

In Dec., 1952, Stephens was appointed to the Office of District Attorney, and he held that position until Dec. 31, 1957

when he resigned. He was appointed again to the Office of District Attorney in Oct., 1965. Stephens was a past president of the Alabama District Attorneys Association, and he held membership in the Phi Alpha Delta Law Fraternity.

Stephens is survived by his wife Gayle and five children.

Dorothy F. Norwood, deputy clerk of the Supreme Court, has been named Acting Clerk of the Supreme Court, effective July 1.

The American Bar Association will sponsor a joint national conference for trial court judges (general jurisdiction) and special court judges (limited jurisdiction) Aug. 6-10 in San Francisco.

Circuit Judges Jack W. Wallace, 3rd Judicial Circuit; Hardie B. Kimbrough, 1st Judicial Circuit; Braxton Kittrell, 13th Judicial Circuit; and Robert E. L. Key, 35th Judicial Circuit are the voting delegates who will represent Alabama at the Conference of Trial Court Judges.

Alabama's voting delegates who will attend the Conference of Special Court Judges are District Judges Mark Kennedy, Montgomery County; Robert W. Gwin, Jefferson County; Jerry L. Fielding, Talladega County; and Sumiton Municipal Judge Daniel Burgess.

(Continued From Page 6)

In the future, the system will electronically report Criminal Case History (CCH) data to the Administrative Office of Courts via a telephone line hook-up. This system feature is expected to be operational by spring of 1983 and will replace the manual CCH reporting by the clerks' offices. Additional products which are anticipated in the future include trial notices, subpoenas and other documents that are prepared in large numbers.

It is anticipated that the SJIS program will benefit the trial court in terms of additional case management information

and reduced clerical work. However, implementation of any computer system does have an impact on the work environment of the judges' and clerks' offices. Personnel must be trained on the new equipment and procedures and judges and clerks must become accustomed to reports and dockets which are not identical to those previously used. More important than these cosmetic differences are the changes in the court's normal operating procedures which are sometimes necessary. While the computer has proven to be a very useful tool in the trial courts, it requires, however, the support and cooperation of the users to achieve its full potential.

NEWS FROM THE JUDICIAL COLLEGE

ORIENTATION FOR NEW EMPLOYEES SET

The annual orientation for new employees from clerks & registers offices is scheduled August 5-6 at Farrah Hall in Tuscaloosa. The purpose of the workshop is to give new employees an overview of the court system.

Sessions are conducted by experienced clerks, registers, and employees dealing with case procedures in criminal and civil cases, financial procedures and tips for working with the public.

Persons serving as faculty include Calhoun County Register Barbara Pippin, who will explain the duties and responsibilities of clerks' and registers' offices; Thelma Braswell, to give the overview of

the court system and to discuss the function of the Administrative Office of Courts; and Barbara Kummel, who will explain personnel policies.

Clerks Julia Trant of Houston County and Stella Pierce of Chambers County will explain criminal and civil procedures and Morris Moatts, circuit clerk in Chilton County, will talk about financial procedures. Jane Smith of Madison County will discuss service of process, appeals and purchasing. Billy Harbin, clerk of Madison County, will speak on appropriate means of dealing with the public in the office and Venette Hooks of South Central Bell will demonstrate proper use of the telephone.

RECENT MEETINGS...

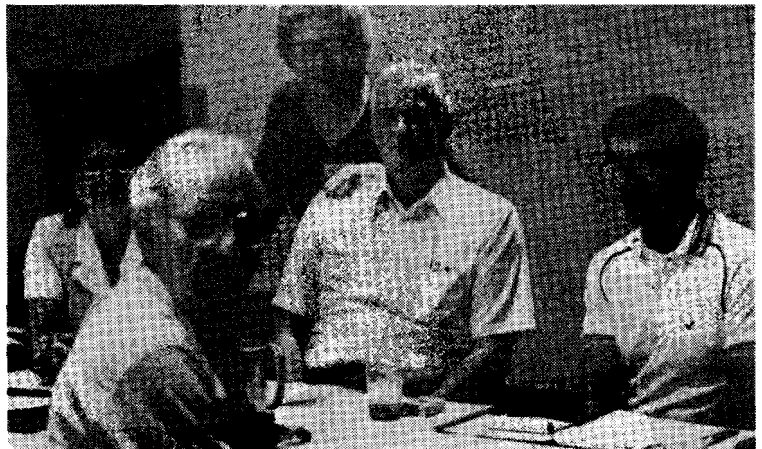
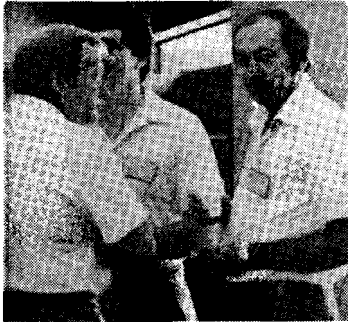


...Juvenile Judges

At the recent meeting of the Association of Juvenile Court Judges, held in Birmingham on June 3-4, new officers were elected. They are A. Ted Bozeman, Lowndes County District Judge, President; Aubrey Ford Jr., Macon County District Judge, 1st Vice President; William O. Winston, Lamar County District Judge, 2nd Vice President; Dwight Hixon, Bullock County District Judge, Secretary-Treasurer. The association also adopted a new name; it will now be known as the Alabama Council of Juvenile and Family Court Judges. Pictured here are scenes from the meeting.

...Clerks and Registers

Alabama clerks and registers held their summer meeting at Gulf State Park June 10-12. The new officers of the Association are Barbara A. Pippin, Calhoun County Register, President; G. Ronald Harwell, Sumter County Clerk and Register, 1st Vice President; L. Polly Conradi, Jefferson County Clerk, 2nd Vice President; Jerry P. Trammell, Cherokee County Clerk, 3rd Vice President; Evelyn Perkins, Court Clerk in the Talledega Circuit Clerk's Office, Secretary-Treasurer. Below are scenes from the recent meeting.



TRAINING PLANNED FOR INSTRUCTORS OF DUI COURT REFERRAL SCHOOLS

Annually, the Alabama Judicial College provides in-service training for instructors at DUI Court Referral Schools. The 1982 session is scheduled in Montgomery on August 5-6. The workshop is designed to inform the instructors of new teaching methods as well as to discuss tried and true methods of instruction for the adult learner.

Information about dealing with alcohol and drugs will be presented by Ron B. Yount Jr. and effective use of visual aids will be explained by John Dove of Tuscaloosa. Additionally, an idea swap is scheduled with various instructors serving as group leaders. During the second day, Dr. Phillip Bromley of Pensacola will demonstrate effective techniques for teaching adults.

ADMINISTRATIVE ANNOUNCEMENTS

PREDICATE QUESTION MANUAL AVAILABLE

The "Predicate Question Manual," made possible by a grant from the Alabama Law Enforcement Planning Agency and published by the Office of Prosecution Services, is now available to judges through the Administrative Office of Courts.

Any trial judge desiring a copy of this manual should address the request to the attention of Ms. Evelyn Moore at the Administrative Office.

CHANGE IN PROMOTION POLICY

The policy of "Employment Rates/Promotion Appointments," contained in paragraph 3-a, page II-8 of the UJS Personnel Procedures Manual, is now in effect. The earlier restriction to one-step raises on promotion has been lifted, and upon promotion, the salary rate of an employee shall be increased to that rate in the higher salary grade (range) which will provide an increase of four steps in the pay plan, or to the minimum rate of the new class, whichever is greater. However, advancement to the Exemplary Performance Sector of the pay plan, upon promotion, is not authorized.

There is no change at this time to the previously announced restrictions limiting other raises to one-step. This restriction was imposed by the State Personnel Board, but there is a possibility that it will be lifted May 20, 1983.

VEHICLE RENTAL AGENCIES SECURED

The Finance Department of the State of Alabama has negotiated contracts with three vehicle rental agencies. The contracts are with Budget Rent-a-Car, Avis Rent-a-Car and Hertz Corporation, and covers the period of July 1, 1982, thru June 30, 1983. These contracts were negotiated in order for State agencies and their employees to have available discounted rental vehicles on a nationwide basis. These rental discounts are available to all UJS officials and em-

ployees whether the rental is related to business or personal use. However, reimbursable expenses are only those that are business related.

In order to encourage the use of these discounts, the State Comptroller now requires that a receipt be provided on all claims for reimbursement. Therefore, on all claims for reimbursement involving rental vehicles, a receipt must be attached from Avis, Budget Rent-a-Car or Hertz. In those cases where none of the above agencies are available, or lower rates can be obtained, a letter of explanation must be attached to all claims for reimbursement.

Each company has provided the Administrative Office of Courts with ID cards or stickers. Anyone who has questions regarding the rental of vehicles or who needs an ID card or sticker, contact Lynn Ward at the Administrative Office.

COURT CLERK TESTING DATES SET

Written tests for Court Clerk I thru VI will be administered in the following Alabama cities on the dates indicated: July 17, Florence, Gadsden, Tuscaloosa and Montgomery; July 24, Dothan and Alexander City; July 31, Birmingham and Mobile; August 14, Florence, Huntsville and Tuscaloosa; August 21, Gadsden, Dothan, Alexander City and Montgomery; August 28, Birmingham and Mobile.

1983 TRAFFIC TICKET ORDER

The UTC Control Unit of the Administrative Office of Courts requests that all law enforcement agencies who have not returned order form UTC-12 for the uniform traffic ticket order, do so immediately.

The AOC must initiate a request for the purchase of UTC books in early July so the books will be available for the distribution to the user agencies in Jan., 1983. In order to do this, the number of needed books must be determined as early as possible in July.

If any agency does not need tickets for 1983, the order form should still be returned indicating such.



United States Supreme Court

Reexamines Warrantless Searches Of Automobiles

The Supreme Court of the United States recently had occasion to reexamine its earlier position regarding the permissible scope of warrantless searches of automobiles in the case of United States v. Ross, 50 L W 458 (June 1, 1982). Seeking to clear up conflicting interpretations of the opinions rendered in the Chadwick, Sanders and Robbins cases, the Court held that where police officers have legitimately stopped an automobile and have probable cause to believe contraband is concealed somewhere within it, they may conduct a warrantless search of every part of the vehicle and its contents, including all containers and packages that may conceal the object of the search. The Court expressly rejected a "container-type" distinction holding, "The scope of the search is not defined by the nature of the container in which the contraband is secreted. Rather it is defined by the object of the search and the places in which there is probable cause to believe that it may be found."

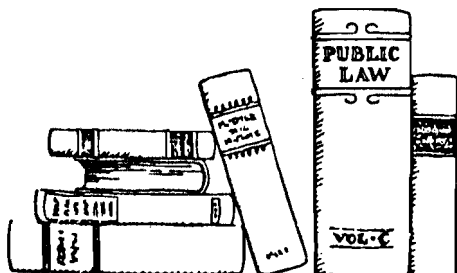
In Ross, acting on information from a reliable informant that the defendant was selling narcotics out of the trunk of his car, police officers seized and conducted an on-the-spot warrantless search of a closed brown paper bag found in the trunk of the suspect's car. Upon opening the bag, the officers discovered glassine bags containing white powder, which was later determined to be heroin. A later warrantless search of the car at police headquarters revealed a zippered leather pouch in the trunk of the car, containing \$3,200 in cash. Prior to trial, the defendant moved to suppress the heroin found in the paper bag and the money found in the pouch. After conducting an evidentiary hearing, the District Court denied the defendant's motion to suppress. At trial the evidence was introduced and the defendant was convicted for possession of heroin with intent to distribute [in violation of 21 U.S.C., Section 841 (a)]. The defendant appealed on the grounds that seizure of the evidence without a warrant violated his 4th Amendment rights and such evidence was erroneously admitted and considered at trial.

Applying the Arkansas v. Sanders test to determine if defendant possessed "a reasonable expectation of privacy" in the contents of either container, a three-judge panel of the Court of Appeals held the warrantless search of the paper bag was valid but the search of the pouch was not. The Court of Appeals, rehearing the case en banc, rejected the panel's decision concluding that no distinction existed between the two containers and that the unwarranted search of either violated his 4th Amendment rights and such evidence was erroneously admitted and considered at trial.

Although the Court's holding in Ross is a step toward clarification in the area of the law on warrantless automobile searches, there may still exist confusion due to the Court's attempt to reconcile the Chadwick and Sanders cases with its newly announced rule. The majority opinion, reviewing the opinion of the Court of Appeals sitting en banc, pointed out in a Footnote "that in this case, the informant told the police that Ross had narcotics in the trunk of his car. No specific container was identified."

The Supreme Court attempted to distinguish the searches they condemned in Chadwick and Sanders from the instant case by stating that, there, the luggage and not the automobile was the "suspected focus of the contraband" and the coincidental relationship between the automobile and the contraband caused by placing the container therein would not render the automobile exception of Carroll applicable. As Justice Marshall points out in his dissenting opinion, the Court may be suggesting that "the Government must show that the investigating officer knew enough but not too much, that he had sufficient knowledge to know exactly where the contraband was located" before the warrantless search of a container found within an automobile is justified under the automobile exception.

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

City Employees May ParticipateIn County And StatePolitical Activities

In an opinion dated June 4, 1982, the Attorney General determined that, notwithstanding the provisions of the Anniston Civil Service Act, city employees may participate in county and state political activities to the same extent as any other citizen. City employees cannot, however, participate in city political activities.

The Anniston Civil Service Act prohibits a city employee from participating in any political activities whatsoever. The provisions of this Act are in conflict with Section 17-1-7, Code of Alabama 1975, which permits city employees to participate in county and state political activities. The Attorney General determined that the enactment of Section 17-1-7 impliedly repealed the inconsistent portion of Section 15 of the Anniston Civil Service Act since Section 17-1-7 covers the subject matter of a former law (Anniston Civil Service Act) and is inconsistent with it and evidently intended to supersede and take the place of it.

Notary Public - Oaths Of Office

On May 10, 1982, the Attorney General

issued an opinion on the question of whether a notary public may administer the oath of office to an elected state or county officer. The Attorney General held that a notary public is empowered to administer the oath of office, citing Section 36-4-1, Code of Alabama 1975, which provides that:

"In all cases in which it is not otherwise provided by law, the oaths of office may be administered by any officer authorized to administer an oath..."

The Attorney General also cites Section 36-20-5(1), Code of Alabama 1975, which gives a notary public the power to administer an oath.

The Attorney General noted that Section 36-4-1 says, "In all cases in which it is not otherwise provided by law..." indicating that particular offices may have more specific requirements.

Constables - Duties, Powers AndCompensation

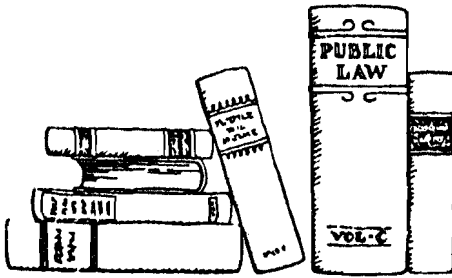
The Attorney General issued a formal opinion dated May 18, 1982, in response to an inquiry from the Sheriff of DeKalb County concerning the powers, duties and compensation of constables. Reviewing the Code provisions which relate to the office of constable, the Attorney General held that the only authority which a sheriff has over constables within their county is the power to summon them to attend circuit court.

The Attorney General also made the following observations:

1. The duties of constable are defined in Section 36-23-6 of the Code.
2. A constable, as conservator of the peace, has the power of arrest within his county and may make such an arrest with or without a warrant. Section 36-23-5.
3. A constable may execute a search

(Continued On Page 14)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 13)

warrant which is directed to him by a lawful authority. Sections 15-5-5 and 15-5-7.

4. A constable is required to serve civil process when directed to do so by a lawful authority. Section 36-23-6 and Rule 4.1(b), ARCP.
5. Fees for service of civil process due constables are outlined in Section 12-19-92 (as amended) and are to be paid from the county treasury. Section 12-19-94.
6. Only those fees authorized under the uniform fee system may be charged and collected. Section 12-19-94.
7. A constable cannot serve in a law enforcement position (i.e., be deputized) without meeting the requirements of the Peace Officer's Standards and Training Act.

Peace Officers Training And Standards

Act - Applicable To Special Deputies/

Constables Appointed Prior To Act

In an opinion issued May 21, 1982, the Attorney General held that persons serving as special deputies or auxiliary deputies prior to the passage of the Peace Officers Standards and Training Act would be requir-

ed to meet the requirements of the Act before becoming law enforcement officers with powers of arrests.

This opinion also explained that, unlike the office of Sheriff, since the office of constable is a statutory creation, the legislature can set qualifications for holding office without the passage of a constitutional amendment.

County Racing Commissioner

May Hold Office While Serving

County Elective Office

In an opinion dated April 30, 1982, and released on June 8, 1982, the Attorney General has said that a County Racing Commissioner may seek an elective county judicial position while continuing to hold the position of Racing Commissioner. The particular local act involved here (Act No. 2431, 1971, as amended - Mobile County) does not prohibit the Commissioners from running for office. Of course, if elected, this person would not be able to hold the two offices.

Chief Juvenile Probation Officer

May Not Serve As

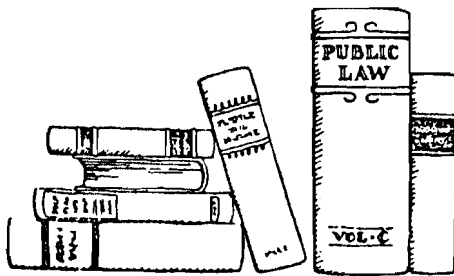
Chairman Of County Commission

In two separate opinions issued on April 29 and 30, 1982, respectively the Attorney General has ruled that a chief juvenile probation officer may not hold that position and the position of Chairman of the County Commission, simultaneously. Although not prohibited under the constitutional provisions of Section 280, prohibiting holding two offices of profit, the Attorney General opined that due to the nature of the office of juvenile probation officer (e.g., a county employee, at least in part) the common law principle preventing an individual from holding two incompatible offices simultaneously, would apply:

"In that the Probation Officer receives half of his salary from the county, he is to be considered a county employee, at least in part."

(Continued On Page 15)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 14)

Election Contributions

In an opinion dated May 21, 1982, the Attorney General determined that prior to the primary election, a corporation may make the maximum contribution of \$1,000 to a political committee, \$500 for the primary election and \$500 for the general election. However, because there is no certainty prior to the primary election that a runoff election will be held, contributions for the runoff may not be made until it is determined that there will be a runoff election. Subsequent to the primary election, if it is determined that a runoff election will be held, then a corporation may make an additional \$500 contribution to the political committee for the runoff election.

Supernumerary District AttorneyCannot Serve On CountyBoard Of Education

In an opinion dated April 29, 1982, the Attorney General determined that a Supernumerary District Attorney may not at the same time hold that office and serve as a member of the County Board of Education. Both offices are determined to be "offices of profit" within the meaning of Section 280 of the Constitution of Alabama, 1901. Therefore, one who holds both offices

would do so in violation of the Constitution and Section 36-2-1, Code of Alabama.

Political Contributions -Stock Insurance Companies

On June 4, 1982, the Attorney General ruled that stock insurance companies may make political contributions citing Section 10-2A-336, Code of Alabama 1975, which specifically provides that the provisions of the business corporations chapter of the Code of Alabama shall apply to insurance companies.

Voter Reidentification -Challenged Voters

On June 4, 1982, the Attorney General ruled negatively on the question of whether persons who have not reidentified as qualified voters within the prescribed time may be reidentified at polling places by poll workers.

In his response, the Attorney General cited Act No. 455, Acts of Alabama 1981, which provides that if a qualified elector's name has been purged from the list of qualified electors for failure to reidentify, he must appear before the Board of Registers at least 10 days prior to the election in which he intends to vote.

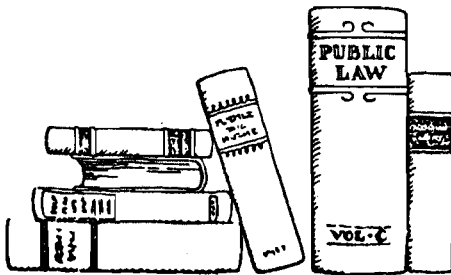
The Attorney General also refers to Sections 17-12-1 through 17-12-8, Code of Alabama 1975, which provides that a person not on the list of registered voters may cast a challenged ballot on election day following satisfaction of certain procedural requirements at the polls.

Absentee Ballots - Election Officials

On June 4, 1982, the Attorney General issued an opinion stating that an absentee election manager may mark, stamp or otherwise indicate on the absentee ballot any races in which the absentee voter is ineligible to cast a vote. The Attorney General also noted a prior opinion on this question dated March 3, 1982.

(Continued On Page 16)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 15)

Fee For Post-Judgment Interrogatories

In an opinion dated May 10, 1982, the Attorney General determined that an additional filing fee should be paid to the clerk when a motion is filed requesting that the defendant be held in contempt of court for failure to answer post-judgment interrogatories or for failing to appear at post-judgment depositions.

Judicial Sales

The Attorney General was recently asked whether the fee prescribed in Section 12-19-23, Code of Alabama 1975, should be collected in the following situation:

1. On December 24, 1980, a mortgage foreclosure sale occurred;
2. On August 14, 1981, the Court authorized and directed the Administrator of the Estate to redeem the real estate from the purchaser at the foreclosure sale;
3. On November 11, 1981, the Court awarded summary judgment on a complaint seeking specific performance of a contract for the purchase and sale of real estate. The Register was ordered to serve as Master, and to receive the purchase money from

the contract and handle the redemption.

In an opinion dated April 29, 1982, the Attorney General, citing an earlier opinion, noted that a judicial sale is any sale which is ordered by a court and subject to its confirmation, regardless of whether the person handling the details of the sale is an officer of the court for other purposes.

With respect to the factual situation presented, the Attorney General concluded that only the foreclosure sale qualified as a judicial sale, but that the fee should not be collected in this instance since the sale occurred prior to the effective date of Section 12-19-23, *supra*. The opinion also noted that redemptions are reacquisitions or repurchases and are fundamentally different from sales and thus not included for purposes of Section 12-19-73.

Candidates - Voter Reidentification

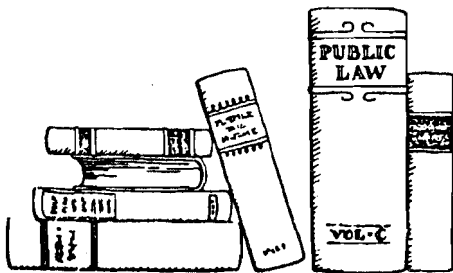
In an opinion dated May 21, 1982, the Attorney General ruled affirmatively on the question of whether a person who has not reidentified under the terms of Act 81-224 can qualify as a candidate in either the primary or general elections of 1982.

Since Act 81-224 is a voter reidentification law applying to Sumter County, its implementation does not affect a person's qualification for office in that county. Addressing the candidate's eligibility to vote, the Attorney General cites Section 17-16-12, Code of Alabama 1975, which requires a candidate be eligible to vote and Sections 17-12-1 through 17-12-8, Code of Alabama, 1975 which provides for a qualified elector to vote by casting a challenged ballot, even if he has not reidentified.

The Attorney General concludes that since failure to reidentify does not preclude voting by a qualified elector, neither will it disqualify a candidate for office who is eligible to vote.

(Continued On Page 17)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 16)

"The former conflict of interest statute specifically applicable to county officers found at Code of Alabama 1975, Section 36-10-8 has been repealed. As stated in an opinion of the Attorney General to Mr. Green dated November 21, 1979, the position of chief probation officer is not a public office and therefore, does not come within the prohibition of Section 280 of the Constitution of Alabama 1901 forbidding one to hold more than one office of profit. Thus, there are no other specific constitutional or statutory provisions which would prevent a county probation officer from serving on the county commission.

"However, there does exist a common law incompatibility of offices that prevents an individual from serving in these positions simultaneously. Code of Alabama 1975, Section 1-3-1 states as follows:

'The common law of England, so far as it is not inconsistent with the Constitution, laws and instructions of this state, shall, together with institutions and laws, be the rule of decisions and shall continue in force, except as from time to time it may be altered or repealed by the legislature.'

"Thus, common law prohibition against the holding of incompatible and inconsistent offices would remain intact in Alabama.

The Supreme Court of Alabama discussed this prohibition against holding incompatible offices in Scott v. Strobach, 49 Ala. 477. The Court stated:

'The common law prohibited the holding of incompatible and inconsistent offices. It did not declare void the appointment of a person to a second office incompatible with the first. But it declares the acceptance of the second office, ipso facto, vacated the first. The acceptance of the second was an absolute determination of the original office, leaving no shadow of title in the original possessor, so that neither a motion nor quo warranto was necessary before another could be appointed or elected. Incompatibility of offices existed at common law, when from the nature of the offices--the respective duties they imposed, or the relation they bore to each other--or pure considerations of public policy, there was a manifest impropriety in one incumbent retaining both. (Citations omitted).'

"Considering the above statement regarding common law incompatibility of offices, the Attorney General is of the opinion that due to the nature of the offices of Chief Probation Officer of the County Juvenile Court and Chairman of the County Commission, their respective duties, the relation that these offices bear to each other and considerations of public policy, an individual is prohibited from serving in these positions simultaneously.

"The question which you posed should also be presented to the State Ethics Commission for consideration under the State Ethics Law."

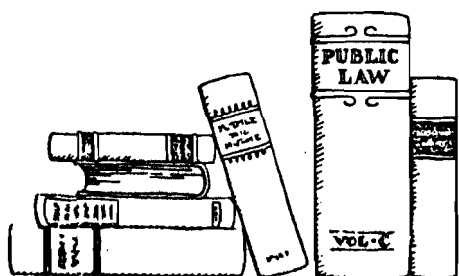
State Responsibility For Costs

In Transporting State Prisoner

In an opinion released on June 4, 1982, the Attorney General discussed the State's responsibility for the costs involved in transporting prisoners interstate in various situations. Due to the probable interest in this opinion, it is reprinted here in full:

(Continued On Page 18)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 17)

"QUESTION ONE. We are willing to inquire as to which entity is ultimately responsible for payment for transporting prisoners from other states to the various counties of the State of Alabama for criminal trials and then back to other states from completion of previously imposed sentences.

"QUESTION TWO. The specific issue is who is responsible for the payment of expenses incurred in going to other states to pick up prisoners who have completed a prison term in that state and returning them to Alabama to serve an Alabama sentence which was to run consecutively with the sentence served in the sister state.

"The answer to question one is found in two sections of the Code of Alabama 1975. Section 15-9-62 provides that the expenses incurred in bringing an accused to the State of Alabama shall be paid out of the State Treasury. The qualifying factor in this section is that the possible punishment to be imposed upon conviction must be that of confinement in the penitentiary of the State of Alabama or death in order for the expenses to be borne by the State of Alabama. Section 15-9-62 provides that in all other cases (where the punishment shall not be confinement in the penitentiary or death) the expenses incurred in the transportation of the prisoner shall be paid out of the county treasury.

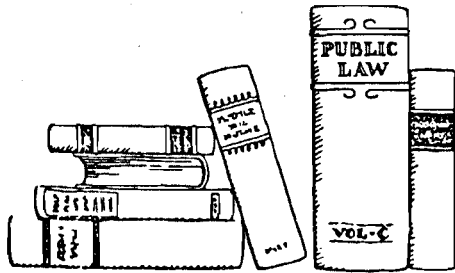
"Section 15-9-65 further qualified Sections 15-9-61 and 15-9-62 in that the Sheriff would be entitled to the same fees and expenses even though the prisoner had waived extradition from the foreign state.

"Code of Alabama 1975, Section 15-9-80, also known as the Uniform Mandatory Disposition of Detainers Act, provides that the purpose of the Act is for the speedy resolution of charges outstanding against a prisoner, including detainers based on untied indictments, information or complaints. This section provides in Article III (e) that should a prisoner make a request for a final disposition of charges pending in a receiving state, (see definition of receiving state in Article II (c)) the prisoner shall be deemed to have waived extradition under Section 15-9-65 et seq., the provisions of Section 15-9-65 would require the expenses associated with the transportation of the prisoner to the State of Alabama to be paid by the State, consistent with the limitations outlined in Section 15-9-62.

"Your second question relates to the return of an inmate to the State of Alabama to begin service on a sentence previously imposed by the Courts of this State. In an opinion of the Attorney General dated February 8, 1982, addressed to the Honorable Jasper Fielding, Chairman of the Coosa County Commission, the Attorney General opined that Section 14-3-30, Code of Alabama 1975, defined an inmate as being a State inmate upon being sentenced to the penitentiary of the State of Alabama. Section 14-3-20 requires the Clerk of the Court to immediately notify the Department of Corrections as to where the inmate is confined and to forward a copy of the judgment and sentence to the Department of Corrections whereupon the Department shall direct where the inmate shall be taken for confinement. It is the opinion of the Attorney General that once an inmate is sentenced to the penitentiary by the courts of the State of Alabama and the Clerk of the Court delivers the necessary materials to the Department of Corrections, that inmate is in the technical custody of the Department of Corrections. Should the inmate be immediately removed to a foreign state for

(Continued On Page 19)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 18)

a resumption of a sentence imposed in that foreign state, the Department of Corrections should lodge a detainer with the foreign state providing for the return of the inmate upon completion of his sentence in the foreign state. It is the opinion of the Attorney General that the inmate is the technical responsibility of the Department of Corrections even though that inmate is serving a sentence in the foreign state. Upon completion of the sentence in the foreign state, it is the responsibility of the Department of Corrections to see that the inmate is returned to the penal facilities of the State of Alabama to begin service on the sentence imposed by the Alabama Court."

Probate Of Wills - Statute Of Limitations

Recently the Attorney General was asked to interpret Section 43-1-37 of the Code which states, in pertinent part,

"Wills shall not be effective unless filed for probate within 5 years from the date of the death of the testator."

In an opinion issued June 4, 1982, the Attorney General held that since this provision has been interpreted by the courts as a statute of limitations, in order to bar admission to probate of a testator's will when more than 5 years has lapsed this issue would have to be specifically

pleaded as an affirmative defense. If the defense provided by this section is not raised by the pleadings, the issue is waived. Rule 8(c), ARCP.

The Attorney General summarized his opinion as follows:

"Therefore, it is the opinion of this office that Section 43-1-37, Code of Alabama 1975, does not bar the admission to probate of a testator's will which is sought to be admitted more than five years after the testator's death but provides an affirmative defense to be specifically pleaded in opposition to the admission of the will."

Videotape Of Person Arrested For DUI -Competent Evidence In Court

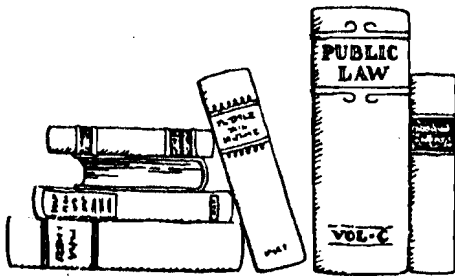
In an opinion issued June 4, 1982, the Attorney General held that a videotape of an individual arrested for DUI would be admissible in court as competent evidence, provided a witness testifies that the film accurately reproduces the actions observed on the occasion. As authority, the Attorney General cites McElroy on Evidence, Section 123.06 (3rd Ed. 1977) for the general rule in Alabama - "as long as the motion picture is relevant and properly authenticated and identified, it is admissible in a court of law."

In response to the further question as to whether the person under arrest must be advised of his Miranda rights and informed that he is being filmed and recorded, the Attorney General distinguished the following fact situation:

1. Where the accused is filmed and no sound recorded, the video portion would be admissible regardless of the fact that no Miranda warnings were given the accused and he was not informed that he was being filmed.
2. Miranda warnings need not be given nor the accused informed of the filming where sound is employed, if the accused is not questioned by the police.

(Continued On Page 20)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 19)

3. In the event that accused waives his Miranda rights, there is no need to inform him that he is being filmed and/or recorded.
4. If the accused is interrogated by the police on audio-videotape in a manner that may elicit an incriminating response, Miranda warning should first be given. However, even in this situation, the Attorney General is of the opinion that he need not be told he is being filmed or recorded.

MISCELLANEOUS LEGAL NOTES

Elections/Appointing Officials

In Harris v. Conradi, No. 80-7975, May 13, 1982, the Jefferson County Republican Committee filed a civil rights action against three county officials on the Jefferson County Appointing Board alleging that such Board failed to appoint, as nearly as practicable, an equal number of Republicans and Democrats as election officials in violation of the constitutionally guaranteed right to vote.

The U.S. Court of Appeals reversed and remanded the case to the District Court which had issued a permanent injunction against the defendants, holding that proof

of a state infringement on the protected right to vote requires more than an allegation and proof by itself that an unequal number of Republicans and Democrats were appointed as election officials. The Court noted that there must also be proof as to how this fact impaired the plaintiffs right to vote.

SUPREME COURT CLERK OPINION

Opinion No. 39

In Opinion No. 39, dated June 7, 1982, the Clerk of the Supreme Court expressly overruled that portion of Opinion No. 28 which held that a new filing fee should be collected upon the filing of a motion to hold a party in contempt for failure to answer interrogatories.

NOTES FROM THE APPELLATE BENCH

The following are legal issues argued before the Supreme Court in June.

TAXATION-ADVERTISING SUPPLEMENTS--Whether advertising supplements printed at expense of an advertiser and distributed by a newspaper as a supplement is taxable as a retail sale. (81-318 Ralph Eagerton v. Dixie Color Printing).

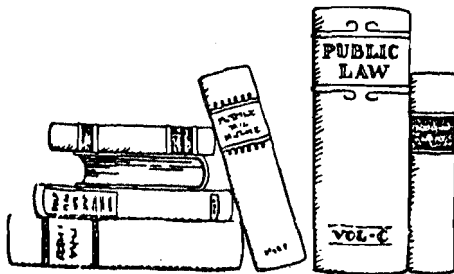
AMENDMENTS-FICTITIOUS DEFENDANTS--Whether the substitution of a known defendant's name is proper for fictitious party "X", where the plaintiff knows name of party to be substituted at time of original complaint, but did not know of cause of action? (81-249, Ala. Electric Corp).

STATE EMPLOYEES-TRANSFER--Does State Director of Department of Pensions and Securities have authority to transfer state department employees to county departments? (81-136, Williams)

DEATH ACTION-LIMITATIONS--Does two-year statute or one-year statute apply in an alleged product liability case? (CERTIFIED QUESTION FROM FED. DIST. CT.-23, Daniel)

(Continued On Page 21)

LEGAL NOTES



NOTES FROM THE APPELLATE BENCH

(Continued From Page 20)

JURIES-CRIMINAL CASES--Can a criminal defendant be required to strike from less than all the qualified jurors on the list for the week? (Lister)

VOIDABLE DEED-re: MORTGAGEE--Whether a deed wherein a material part of the consideration is the agreement to support the question for like, that is voidable can also cause a mortgage by the grantee to be voided? (81-664-Williams)

"CURRENT USE"-AD VALOREM TAXATION--Whether "current use value" in Alabama Code 1975, Section 4-7-25.1, et seq., means value based on the use being made of the property or value based on a fair market value? (McWhorter - 81-344)

LIMITATIONS OF ACTIONS-TRUTH IN LENDING--Whether a debtor can file a counterclaim that the plaintiff/creditor violated the Truth-in-Lending Act, and whether a truth-in-lending counterclaim is compulsory or permissive? (Fletcher v. Public Finance 81-435)

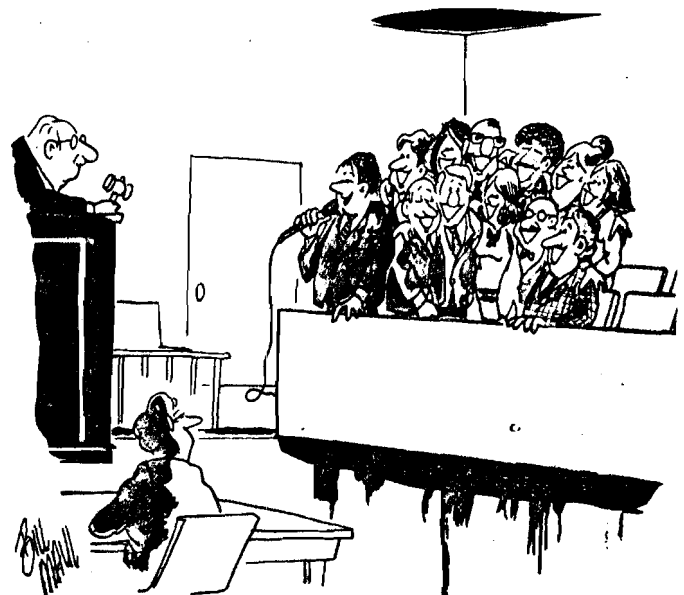
JURY TRIAL-APPEAL FROM DISTRICT COURT--Whether the right to jury trial before a circuit court, on "appeal" from a district court, can constitutionally be conditioned on posting of a bond or payment of a fee? (Scott v. Kimberling - 81-438)

DEFAULT JUDGMENT-APPEALABILITY OF ORDER SETTING ASIDE--Whether an order granting a Rule 60(b) motion to set aside a default judgment on the ground that one of the parties was not served with process is appealable?

Notice To All Officers And Officials Authorized To Approve Official Bonds

On June 15, 1982, the Chancery Court of Shelby County, Tennessee, Case No. 89303-2 appointed the Tennessee Insurance Commissioner as RECEIVER of COTTON BELT INSURANCE COMPANY. In accordance with Section 27-3-20, Code of Alabama 1975 the Certificate of Authority of Cotton Belt was revoked as well as the licenses of Cotton Belt's agents, by order of the Alabama Commissioner of Insurance of June 22, 1982. Additionally, since Cotton Belt conducted business as a surety insurer in Alabama in accordance with Section 27-3-22(c), Code of Alabama 1975, this supplemental notice is provided to all persons involved with the filing and approval of official bonds.

If any court has outstanding bonds undertaken by agents of Cotton Belt Insurance Company, please contact Tom Barber, assistant legal counsel, at the Administrative Office of Courts.



"Yes, your honor we've reached a verdict. We like it, we hope you'll like it too, and it goes something like this..."

**COURT NEWS**

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

COURT NEWS, Volume 6, 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 36130-0101. Telephone: (205) 834-7990 or (toll-free in state) 1-800-392-8077.

William A. Campbell
Director of Research and Planning
and Editor

Julie B. Young
Assistant Editor

C. C. TORBERT JR.
Alabama Chief Justice

ALLEN L. TAPLEY
Administrative Director of Courts

ROBERT E. LEE KEY, President
Association of Circuit Judges

JERRY FIELDING, President
Association of District Judges

DANIEL BURGESS, President
Association of Municipal Judges

A. TED BOZEMAN, President
Alabama Council of Juvenile and Family
Court Judges

BARBARA A. PIPPIN, President
Association of Clerks and Registers

DAVID MILLER, President
Shorthand Reporters Association

SHARON GOLDMAN, President
Circuit Judges' Secretaries Association

MARVAGENE CLARK, President
District Judges' Secretaries Association



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

