



ALABAMA COURT NEWS

Newsletter of the Alabama Judicial System

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July 1993

Juvenile Justice System Makes Progress

In the past year, the Alabama Juvenile Justice System has made great progress by improving procedures and securing additional funding. Working from the prioritized recommendations of the Alabama Juvenile Justice Coordinating Council, chaired by Chief Justice Sonny Hornsby, an organized, unified effort was made to secure additional funding for juvenile regional detention and to enact the Multiple Needs Child Bill during the 1993 Regular Session of the Legislature. Both objectives were accomplished.

Additional Funding for Regional Detention. The state appropriation to the Department of Youth Services for juvenile regional detention increased 181 percent, from \$1,195,261 for FY 1992-93 to \$3,360,949 for FY 1993-94. While the amount received is \$635,801 less than requested, the increased appropriation represents strong support from the Legislature and the Governor for the juvenile justice system.

Multiple Needs Child Bill Enacted. The Legislature enacted the Multiple Needs Child Bill effective May 27, 1993. This act provides juvenile courts an additional adjudication for juveniles requiring services of two or more agencies and who are at imminent risk of being placed in a more restrictive environment. The act requires assessments and recommendations from the county children's services facilitation team prior to such an adjudication. The team, comprised of professional staff from agencies who provide services for children, will work together to develop service plans for children referred to them by the court or a member agency.

RC v Hornsby Consent Decree. Two consent decrees from federal courts are also bringing about changes in the juvenile justice system.

Chief Justice Hornsby Committed to Implement Pay and Classification Plan

During summer 1992, Chief Justice Sonny Hornsby approved a review of the approximately 1,200 merit and confidential court support jobs in the Unified Judicial System. The classification and pay study, which has taken a year to complete, is the first system-wide review of trial court classes since county court employees were assumed by the state in 1977.

The study had several aims. One was to update job classifications in terms of court support work as it now exists. This recognized the highly skilled work force needed to operate a sophisticated on-line computer system, the increased complexity of cases filed and the additional revenues for which court employees are responsible. Another aim was to correct inequities among different UJS classes with respect to pay and to establish "career tracks" for court employees. Finally, the study's goal was to establish a pay structure competitive with the Alabama private sector. Thanks to the hard work and dedication of UJS employees and officials, this project has been successfully completed.

Chief Justice Hornsby authorized the appointment of a Technical Advisory Committee (TAC) consisting of judges, clerks and representatives from their employee's associations.

For the Department of Human Resources, the *RC v Hornsby* consent decree is in its second year of implementation.

During the 1993 Regular Session, the Legislature changed the funding of the JOBS program administered by the Department of Human Resources from the General Fund to the Alabama Special Educational Trust Fund. This made at least \$1.6 million available to the department for services under this lawsuit.

The committee was an essential component in the evaluation process. Members spent long hours in many meetings studying classification and pay data. This data included the results of a thorough job analysis and individual questionnaires completed by all UJS employees. The final results of this hard work are new class specifications for trial court jobs, and a revised pay plan. The Chief Justice has commended the committee for its hard work.

Since the Legislature appropriated sufficient funds to the courts for FY 1993-94, changes associated with implementation will be effective October 1, 1993, the beginning of the new fiscal year. Local administrators will be contacted by the AOC Personnel Division during July, August and the first part of September regarding how the changes will affect their employees. Final allocation lists showing the recommended classifications of each position will be distributed at this time.

"I have been committed to the pay and classification plan from the onset. I'm very pleased the court system was appropriated sufficient funding by the Legislature to make these necessary adjustments. They are long overdue," said Chief Justice Hornsby. □

AW v Phyfer Consent Decree. The Department of Youth Services signed a consent decree to settle the *AW v Phyfer* lawsuit. The provisions of the consent decree require the evaluation of each juvenile committed to the department, the development of substantive service plans for each juvenile and release based on achievement of goals within the service plans, not on time served. There will also be an additional 100 beds in five facilities around the state. (See Juvenile next page)

Court Officials

The Supreme Court conducted two special sessions recently—May 5 at Southern Union State Junior College's Wadley campus and May 6 in Alexander City at the Benjamin Russell High School. There was standing room only in the Wadley campus auditorium with over 500 spectators. In addition to Southern Union students, high school students from Randolph, Chambers, Clay, Cleburne, Lee and Tallapoosa counties were also invited, as well as the general public. Approximately 700 students and teachers gathered in the auditorium at Benjamin Russell High School while the remaining student body viewed the court proceedings on closed circuit television.

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Justice Mark Kennedy was a featured speaker at the Mental Health Center Child Abuse Conference on April 27. The conference, held at the First Presbyterian Church in Sylacauga, focused on emotional abuse and neglect. Justice Kennedy is president of the National Committee for the Prevention of Child Abuse. He is also the founding chairman of the Children's Trust Fund which began in 1983.

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Fourth-, fifth- and sixth graders left Stephens Elementary School in Alexander City with a better understanding of rules, the judicial system and what it means to be an Alabama Supreme Court Justice after Justice Kenneth Ingram spoke to them on April 29. He discussed the history of our democratic system, explained what the different courts do, how decisions are made, and how ideas become laws and why. The students had very positive things to say about Justice Ingram and his presentation; but perhaps, one of the greatest compliments of all came when the students said Justice Ingram seemed like a "kid at heart."

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Juvenile (continued)

Community-based programs will be established according to prioritized needs for the juvenile courts. The Legislature appropriated an additional \$5 million for FY 1993-94 to DYS to initiate implementation of the consent decree, of which \$1 million will be used for community-based initiatives.

Justice Gorman Houston was selected by Auburn University to receive the "Alumni Achievement in the Humanities" award for 1993. The award was established in 1982 to recognize and honor outstanding faculty, students and alumni whose accomplishments exemplify the value of humanistic learning. Justice Houston was presented the award at a reception at the Auburn University Hotel and Conference Center on May 20. Two scholarships of \$500 each will be established in his name for the 1993-94 academic year.

Justice Houston also spoke to students at Eufaula High School recently. Students said the speech was "inspirational in nature and concise—something EHS students really appreciate." In his presentation Justice Houston told the students that life is a gift, not a right, and people should consider and emphasize what they have instead of what they don't have, using the biblical Parable of the Talents to illustrate his point. The school newspaper read, "Justice Gorman Houston is a positive, friendly role model for the students of EHS."

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Circuit Judge Dale Segrest, Fifth Judicial Circuit, will be using his recently published book, *Conscience and Command*, as the text for teaching a seminar at Huntingdon College beginning fall semester 1993. The book explores the relationship between law and faith and the motive for orderliness in society. The three-hour sessions will be on Monday nights beginning August 30 and extending into December. A number of other speakers will also be participating in the seminar. A portion of the seminar has been approved by the State Bar for continuing legal education credit. For further information, contact Huntingdon College, Montgomery. Judge Segrest also presented a one-day seminar titled,

Amendments to Alabama Rules of Juvenile Procedure. The Alabama Rules of Juvenile Procedure have been under review for more than a year. Proposed amendments to these rules will be presented to the Supreme Court for consideration in August. □

"Biblical Roots of Modern Law," for United Methodist Ministers on June 28 at Huntingdon College.

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John England was sworn in June 21, 1993, as circuit judge, Sixth Judicial Circuit. Judge Oscar Adams administered the oath of office to Judge England. He has about 400 supporters present at the Tuscaloosa County Courthouse. Governor Folsom appointed Judge England to fill the position of vacant after Judge John K. ... retirement. Judge England has been active in political, social and civil rights issues for more than 20 years in addition to running a law practice.

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Mobile County District Judge Herman Thomas spoke to kindergartners at ... Springs Elementary School in Mobile on April 19 following a press conference announcing the "Success by 5" program. "Success by 5" is a collaborative effort involving more than 75 agencies working to ensure healthy mental, physical, social and emotional development of children.

Judge Thomas, chairman of the program, said the program will serve as an umbrella for public service organizations and ... to create an awareness of problems facing children from birth to age 5, to improve service access for families, and to involve the total community in these efforts.

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Jane Goines was recently honored by the ... Young Attorneys of Florence for her "extra effort when routing law ... motions and documents to the clerk's office." Ms. Goines has worked in the Lauderdale County Circuit Clerk's Office for almost 21 years, earning a reputation among attorneys for going out of her way to speed the ... through the processes of filing legal documents.

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Data Center Offers 1-800 Inquiry Service

For the past few years, AOC has provided a means for attorneys and law firms to access the courts' mainframe data. Using personal computers and modems, these customers dialed selected telephone numbers in Birmingham, Mobile and Montgomery and were connected directly to our Judicial Data Center where they could make inquiries on cases related to their practice. Although the system worked well, those outside the metropolitan areas could not subscribe without paying long distance phone charges. In addition, new subscribers could be added only after new phone lines and modems were installed, and data controllers in these cities would need to be expanded in order to accommodate new subscribers.

In May, conversion to 1-800 service began for these subscribers with all equipment being installed in the Judicial Data Center in Montgomery. On May 1, all customers who were using the Mobile and Montgomery lines were converted to the single 1-800 number (which includes up to 24 concurrent users). On June 1, the Birmingham subscribers were converted to the same 1-800 service.

To date, a maximum of six concurrent lines have been used to provide the same service that previously required 41 dedicated lines (the six concurrent lines include an additional 11 customers who were added during the conversion process, raising customer total to 65). Based upon current utilization data, an estimate of the number of users that the 1-800 service will accommodate has been increased. In addition, two extra data controllers and a number of modems are available to be used for spares and additions as required. □

In Brief . . .

Morgan County Circuit Court is the fourth county in the state to implement mediation as an alternative in divorce settlements. **Jefferson, Mobile, and Montgomery** counties also use mediation to resolve some civil and domestic disputes. The program, designed to use a third party to help both sides reach out-of-court settlements, should greatly reduce civil and domestic case loads in circuit courts. **Judge Richard Hundley**, who presides over Morgan County Circuit Court's domestic division, said the program has received a number of inquiries and good responses.

Life After AOC . . . The following people have announced their retirement: **Bob Tillman**, Director of Management Information Systems, effective July 1; **Peggy Casey**, chief accountant for the Finance Division, effective August 1; and **Charles (Chuck) Pinkham**, purchasing agent for the Finance Division, effective August 1. **Peggy** has been with AOC since 1973. **Bob** and **Chuck** have each been with AOC since 1977. They have each been a true asset and will be greatly missed. We wish them much happiness and success in their future endeavors. □

Year of Challenge for Judicial College

The Unified Judicial System has been faced with a number of challenges and changes over the past several years—proration, job and classification studies, automation, new legislation, prison overcrowding, alternative sentencing options, to name a few. As usual, the judiciary faced these challenges and met them with distinction.

One major consequence of coping with change is the increased need for education of all judicial officials and employees to adequately address these issues. In an effort to provide education for court personnel, additional staff has been reassigned to Judicial College and more programs have been planned.

An employee orientation program for all new employees is being developed, hopefully to be implemented this fall. Additional information will be available in later issues of the *Court News*. Municipal Court educational programs have also been added to the Judicial College to assist the Municipal Court Operations Division in certification of municipal court

clerks and magistrates and the continued education of judges and police officials.

The Alabama Judicial College presented 17 programs between January and June. These programs accounted for 203 hours of education, 1,534 participants and utilizing 201 faculty members.

Additional specialized courses are being planned. Education committees of judges, clerks, court specialists and judicial assistants are providing information and suggestions for facilitators and session content, and surveys are being conducted to determine various training needs.

Education will continue to expand in an effort to meet the increasing needs of the Alabama court system. Your feedback and participation in these programs are welcomed and appreciated. For additional information, contact the Alabama Judicial College, **Frank Gregory**, Director, or **Callie T. Longshore**, Assistant Director. □

Hearing Set on New Alabama Rules of Evidence

The Alabama Supreme Court is preparing to consider adoption of a comprehensive set of rules governing evidence in the State of Alabama. The Supreme Court's Advisory Committee on Rules of Evidence has drafted a proposed set of rules and submitted them to the Supreme Court. A committee, composed of state court judges and chaired by **Judge Bill Bowen**, Presiding Judge,

Alabama Court of Criminal Appeals, met on March 12, 1993, and April 9, 1993, and recommended adoption of the Rules with certain suggested changes. A copy of the proposed Rules of Evidence has been reprinted in the May 13, 1993, advance sheets to the *Southern Reporter* (2d).

By order, dated April 27, 1993, the Supreme Court invited interested persons to file with the Supreme

Court Clerk any written comments regarding the proposed Rules of Evidence by August 27, 1993. A hearing on the Rules has been set for 9:00 a.m., Thursday, October 7, 1993, in the Supreme Court's courtroom. Any person desiring to appear before the Court at the hearing should file an appropriate request with the Supreme Court Clerk by August 27, 1993. □

Semiannual Cases/Matters Report Due

The Alabama Canons of Judicial Ethics require that all cases/matters under submission or advisement for six months or longer be reported semi-annually. All circuit, district and active retired judges are requested to

forward completed forms to Ann Austin at AOC. Even in the event there are no cases to report, all judges should return the forms. The reporting period is January 1, 1993, through June 30, 1993. □

AOC Micrographics Program Expanding Services

The AOC Records and Space Management Section has created and established a statewide Micrographics Program to provide microfilming services to the various levels of courts within the Alabama Judicial System. Its primary objectives are to provide cost-efficient means of reducing records storage costs and alleviating space problems, to preserve permanent court records in a more durable and accessible form, and to fulfill the legal requirements of maintaining court records. This is achieved through the systematic microfilming and subsequent destruction of court records.

Presently, there are 42 court sites included in the AOC Micrographics Program. Additional court sites will be brought into the program by the end of this year and the remainder of the state's court sites will be offered inclusion by the end of FY 1993-94.

The Records and Space Management Section is now offering micrographics services to new court sites. These services are being offered on the condition that local court personnel agree to prepare their own files for microfilming and allow the AOC Micrographics Department to become the repository for their microfilmed

records. The Records and Space Management Section provides these court sites with all the materials and training necessary to implement and maintain local court microfilm projects. Additionally, the Micrographics Department will provide retrieval services of microfilmed records upon request. Hard copy prints of microfilmed records will be sent by mail or fax.

This new arrangement allows the Records and Space Management Section to provide the benefits of its micrographics services to any court site without the substantial costs inherent with purchasing and maintaining local microfilm equipment in each new site. Since April 1993, 14 new court sites have been offered and have agreed to participate in the micrographics project.

Ultimately, every court site will be given the opportunity to participate in the program. Steve Tomberlin, coordinator of the program, is systematically scheduling visits with clerks not yet included in the program to discuss implementation of local microfilming projects. For additional information, contact Steve Tomberlin at the Administrative Office of Courts. □

Revised and Improved UJS Court Forms Manual

AOC's Legal Division has developed a revised edition of the Court Forms Manual, which will be distributed to clerks and registers at their annual conference.

The manual includes the most recent forms approved by the UJS Judicial Forms Analysis and Review Committee, a group of judges, clerks, magistrates from circuit, district, and municipal courts who review and analyze proposed forms, or suggested revisions to current forms, periodically to ensure forms are legally sufficient and updated for the UJS. This manual replaces the temporary manual prepared at the request of the clerks and registers for distribution at the Mid-Winter Conference.

In this revised manual, the "information sheet" preceding the forms were checked for legal accuracy and the index was updated, and the latest forms approved by the Forms Committee were included.

Because of the added expense of publication and because several judges have indicated that they could obtain forms from their clerks or registers, AOC is providing the manual to judges only upon request. □



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