



# ALABAMA COURT NEWS

Newsletter of the Alabama Judicial System

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## District and Circuit Courts Recognized 90 Percent of Courts Meet Time Standards

According to the mid-year time standards report, 90 percent of all cases disposed in the circuit courts and 95 percent of all cases disposed in the district courts between April 1994 to March 1995 were within the case processing time standards.

Recognized below are the five circuit and five district courts with the smallest percentage of disposed and pending cases exceeding the time standards. Dispositions are for the period of April 1, 1994, to March 31, 1995. Pending cases are as of March 31, 1995.

Dispositions			
<i>The five circuit courts with the smallest percentage of disposed cases exceeding the outer limit of time standards.</i>			
Circuit	County	Judge	%
34th	Franklin	John Jolly	1.99
37th	Lee	Robert Harper, James Gullage	2.92
3rd	Barbour & Bullock	William Robertson	3.62
11th	Lauderdale	Mike Suttle, Donald Patterson, Larry Mack Smith	4.41
31st	Colbert	Inge Johnson, Pride Tompkins	4.55
Pending			
<i>The five circuit courts with the smallest percentage of pending cases exceeding time standards.</i>			
23rd	Madison	Lynwood Smith, Joseph Battle, Jeri Blankenship, Loyd Little, James Smith, Danny Banks (retired)	5.54
11th	Lauderdale	Mike Suttle, Donald Patterson, Larry Mack Smith	7.44
34th	Franklin	John Jolly	7.82
37th	Lee	Robert Harper, James Gullage	9.07
31st	Colbert	Inge Johnson, Pride Tompkins	10.32
Dispositions			
<i>The five district courts with the smallest percentage of disposed cases exceeding the outer limit of time standards.</i>			
	Morgan	David Bibb, David Breland	0.57
	Dale	William Matthews, Fred Steagall	0.77
	Calhoun	Gus Colvin, Allen Crow, Larry Warren	1.28
	Monroe	William Causey, Jr.	1.32
	Lamar	Ed Gosa	1.42
Pending			
<i>The five district courts with the smallest percentage of pending cases exceeding time standards.</i>			
	Calhoun	Gus Colvin, Allen Crow, Larry Warren	1.10
	Tuscaloosa	Joel Chandler, James Guin	2.12
	Morgan	David Bibb, David Breland	4.30
	Franklin	Sharon Hindman	6.29
	Montgomery	Lynn Bright, Peggy Givhan, Craig Miller	7.01

## Citizens Recommend Nonpartisan Election of Judges

After four sessions, the Third Citizens Conference on the Alabama State Courts recommended the initial selection of trial and appellate court judges and appellate court justices be by nonpartisan election. The conference voted in favor of nonpartisan elec-

tions at the end of its June 22 session.

At an earlier meeting on June 6, the conference recommended vacancies on the appellate courts be filled by appointment of the governor based on recommendations from an appellate court judicial nominating commission.

## Community Service Cleans up City and Crime Rate

The number of repeat offenders for some misdemeanor crimes is decreasing in Roanoke since defendants are ordered not only to pay a fine but to fulfill a community service sentence that makes breaking the law an "inconvenience."

**Municipal Court Judge Sandy Holliday** said since the expansion of their community service program, the recidivism rate of offenses such as writing worthless checks and driving with revoked and suspended driver licenses has decreased. "The fines didn't seem to matter to the defendants," he said, "so we added community service. Community service is an inconvenience to most people when the sentence is longer than two or three days."

Changes were made to Roanoke's program after a community service supervisor was hired in 1992. The previous program consisted of defendants picking up trash or washing cars on the weekends. Police officers supervised the workers. Now, it is a six-day-a-week program staffed by two full-time supervisors - Frank Fetner and Joy Harris.

Holliday attributes the program's success to its supervisors and its flexibility. He believes the program would work in cities smaller and larger than Roanoke. "The city will more than replace the supervisor's income

(See "Community" next page)

If the governor fails to act on the appointment within 60 days, the nominating commission would have the power to appoint.

The conference recommended that  
(See "Citizens" next page)

## Citizens (continued)

vacancies in trial court judgeships continue to be filled by appointment of the governor.

### Conference adopts resolutions

A resolution to modify the Canons of Judicial Ethics concerning several issues related to judicial campaigns was adopted by the conference.

A resolution urging adequate funding for the Alabama Judicial Branch was also adopted. Circuit Judge Stephen J. Drinkard, presiding judge, 19th Circuit, presented the resolution after explaining the funding problem that has existed each year since he has been on the bench.

Conference co-chairmen former Governor Albert P. Brewer and retired Supreme Court Justice Oscar Adams, Jr., will schedule the conference to reconvene in the fall.

Prior to the session, members will be appointed to committees to discuss civil and criminal justice issues, structure of the trial courts, establishment of a comprehensive family court, and financing of court services. The committees will make recommendations to be considered by the entire conference.

## Court Personnel

**Congratulations** - After a nomination by President Bill Clinton and a confirmation by the U.S. Senate, Alabama Supreme Court Justice **Janie L. Shores** was appointed to the State Justice Institute's Board of Directors June 30. Justice Shores replaces Wisconsin Circuit Court Judge Vivi Dilweg, whose term expired on Sept. 17, 1994.

Justice Shores is the second Alabama justice to serve on the board. Former Chief Justice C.C. (Bo) Torbert, Jr. also served on the Board of Directors.

The State Justice Institute was established by Congress to award grants to improve the administration of justice in the state courts.

Justice Shores supported the bill that created the SJI when it was originally introduced in the Senate by U.S. Sen. Howell Heflin.

**Retirement** - Twenty-third (Madison Co.) Circuit Judge **Daniel B. Banks Jr.** retired on June 5, 1995.

**Appointments** - **George W. Laird Jr.** was appointed as the district judge

in Walker County. **Hugh Beaird** was elected circuit judge in the 14th Circuit.

**William M. Kibrough** was appointed as district judge of Clarke County after **Harold** was elected circuit judge for the 14th Circuit.

**In memoriam** - Person County Court Administrator **Nancy L. Morochnick**, 57, of Birmingham, died June 11, 1995. She served 15 years at AOC and seven years as court administrator.

Retired Circuit Judge **Aubrey Dominick** of Tuscaloosa, died April 27, 1995. He was 70 years old. Dominick retired Dec. 31, 1976, after serving nine years as circuit judge in Tuscaloosa County. He was appointed to fill the expired term of the late Judge **W.C. Gatten** in 1967 and was re-elected in 1968 and 1972.

**Lonnie Randle**, supernumerary circuit clerk of Lamar County, died April 24, 1995. He was the clerk prior to Pete Wood.

## Community (continued)

with the money saved by the free labor force," he said. "I don't know how many thousands of dollars it has saved the city. The city of Roanoke doesn't have to hire a labor force. It relies on community service. It has also eliminated some of the jail's overcrowding problem," he added.

Fetner said that employed defendants can choose to work on the weekends or their days off. However, unemployed defendants are required to work six days a week, until their sentence is served.

In Roanoke, the process of sentencing defendants to community service and matching them with needs in the community begins at 6 p.m. every first and third Tuesday of each month. Fetner stands behind the city clerk's desk and questions defendants as they file out of the courtroom with their community service sentence.

Fetner, a landscaper by trade, works along side the men. He tries to build a "one on one relationship" with them. The men do tasks such as

landscape city property, clean up over-grown rights-of-way and cemeteries, paint, weld, do carpentry and other work the city requires.

Harris, assistant supervisor, works with the women who are usually assigned to the Nutrition Center.

Teenagers sentenced to community service are also in a separate group. Fetner said juveniles fulfill their sentence by washing cars and fire trucks or working at civic organization fund raisers.

Fetner said that if a person fails to complete his/her community service, the judge reviews the case. Most of the time they are ordered to serve the remainder of their sentence in jail.

The community is supportive of the program. "When people in Roanoke see the community service workers," Holliday said, "they know that those committing crimes in their community are giving valuable services back."

## Conferences Provide Education Recognition

More than 130 court specialists came from around the state to learn and exchange information at the conference offered a number of interesting tracks designed to provide needed legal and procedural information such as the Bail Bond Reform Act, Child Support Guidelines/UREA, Civil and Criminal Appellate Discussion, Microfilm and Records Retention, District Magistrate Duties, Uniform Filing and Reporting and Enforcement of Writs, Orders and Accounting. Additional topics and techniques for supervising a public relations program, an administrative update, and a round table discussion were offered.

### Annual Municipal Court Clerks and Magistrates Conference

On Saturday, June 10, 1995, during the fourth annual graduation banquet of the Alabama Municipal Court Clerks and Magistrates Association, Justice Kenneth Ingram presented certificates to 93 municipal court clerks and magistrates. Graduates completed a minimum of 116 hours of education and have three years of experience as a court clerk or magistrate.

# Power Searching on Westlaw

Let's face it! Online searching is great, but it can also be expensive. Those using online legal research services should become as proficient as possible in getting the greatest possible return for time spent online.

Here are a few hints for refining your online search techniques:

1. Instead of reading cases online, offline print or download to disk **after signing off.**
2. When you need to reformulate a query, return to the database menu (DB or MAPI) to get off chargeable time. **Never stop to ponder while you are in a database.**
3. Type your search (up to one full line) at the menu screen (DB ALCS...) Use SDB [name of database] to run the same search in another database. Saves time.
4. WIN v. Terms and Connectors. A recent innovation to Westlaw is natural language searching (WIN - Westlaw is natural). Natural language is good for "fuzzy searching," such as conceptual issues, complex questions, or when terms and connectors searching is difficult. Generally, however, Terms and Connectors searching can help you focus on issues by limiting searches to the synopsis or headnotes of an opinion.
5. Think **SMALL.** Use topical libraries when appropriate and do field (synopsis, digest, headnote) searches. This not only costs less than searching the mega databases but also reduces the amount of time spent searching, decreases the number of irrelevant cases retrieved while increasing search efficiency and accuracy. For a list of topical databases, call Lynn Kitchens at (800) 236-4069.
6. Focus on the less common terms in your issue. Contract, for example, occurs more often than breach. There's no need to type

"caveat emptor" when emptor will do.

7. Insta-Cite provides a listing of the direct history and the negative indirect history of a case. Its information is more up-to-date than Shepard's. It also provides references to where that case is cited in C.J.S., sometimes a real boon to legal researchers.
8. Keep your password confidential. Usage is reviewed monthly. If you think that someone has unauthorized access to your password, contact AOC's Court Assistance Division to review your account.

For help with query formulation, you can call the West Reference Attorneys at (800) REF-ATTY or Lynn Kitchens, State Law Library, at (800) 236-4069. For technical matters, contact Court Assistance at (334) 242-0300 or (880) 392-8077.

## REMINDER...

Lt. Roy E. Calvin, Driver License Records Unit, Alabama Department Public Safety, has provided a reminder that complete, computerized records are currently being furnished to all courts upon request. The date, defined as the "status date," is included on the new computerized abstracts. This provides an affidavit of the driver's record as of that date for cases involving charges of driving while the license is suspended, revoked or canceled.

Because of the large number of requests for affidavits and certified driver histories, the DPS has furnished courts with forms for requesting these records. The forms should be used to reduce delay in processing requests. Courts are asked to provide as much advance notice as possible when a record is required to enable the DPS to provide the information prior to the court date.

Questions regarding these forms or courts requesting copies should be directed to Perry Hardy or Helen Thorn with the DPS at (334) 242-4400.

## Quarterly Muse

### Self-Culture

The greatest man is he who chooses the right with invincible resolution, who resists the sorest temptations from within and without, who bears the heaviest burdens cheerfully, who is calmest in storms and most fearless under menace and frowns . . . .

- William Ellery Channing 1838

## If You Are Sued . . .

Unfortunately, many court officials are sued at sometime during their career. If this happens, please call Tom Samford at AOC and then forward all of the original papers to AOC, keeping a copy of those papers for your files. **Please indicate when, or if, you have been formally served.**

Upon receipt of the lawsuit, the Administrative Director of Courts (AOC) will request representation from the Attorney General; you will receive a copy of this letter of request. When a deputy or special assistant attorney general has been assigned, a letter of assignment, with a copy to you, will be returned

to the ADC.

Normally, it is the position of the Attorney General that court officials will not be represented in mandamus actions the official would normally be represented by the party in whose favor action was taken or not taken; however, in extraordinary cases, an exception may be made.

Also, you should be aware that an "outside" attorney will be appointed by the Attorney General only if his office has a conflict.

## NCHIPS Grant to Improve Criminal Histories

Alabama's judicial system and the Board of Pardons and Paroles have joined together with the Criminal Justice Information System (CJIS) to apply for a federal grant to improve criminal histories.

The National Criminal History Improvements (NCHIPS) grant would allow the courts and Pardons and Paroles

to work together to ensure that criminal histories are as accurate and complete as possible.

CJIS, the state depository for criminal justice data, prepared the application which was recently sent to Washington, D.C.

Funded programs are expected to be in place by Oct. 1, 1995.

# Briefs . . .

**Baschab Receives ABWA Award** Baldwin County Circuit Judge Pamela Baschab was named Chapter Woman of the Year by the American Business Woman's Association Riviera Charter Chapter. She accepted the award at a dinner April 26. Baschab has been a member for about five years. The ABWA is a national organization dedicated to providing education to women of different backgrounds to allow them to develop professionally and personally.

**Jefferson Presiding Circuit Court Judge Sandra H. Storm**, formerly Judge Ross, was named one of Birmingham's Most Influential Women. Ross was listed among the top ten of a group of "movers and shakers" in the Birmingham community. The 10 were tallied from 372 surveys returned to the Birmingham News from 2,400 surveys mailed to a variety of business and civic organizations asking their members to nominate the 10 most influential women.

**A Plan for Expelled Students.** Mobile County District Judge Herman Thomas has devised a plan for expelled students who cannot attend public schools. Thomas believes his plan can help them function in a classroom where they can make their grades until they are allowed back in public school. Once the students are eligible to return to public school, the system will accept the course work completed. According to Judge Thomas, a Community Advisory Council will operate the program with assistance from school administrators.

**Retired Dale County District Judge Val McGee** has been elected president of the Alabama Historical Association. He is the first Wiregrass resident to preside over the 48-year-old organization that collects and preserves writings and scholarly works on Alabama History. According to the Dothan Eagle, the association has about 1,200 members and McGee hopes to see those numbers increase during his term as president.

Alabama Court News is published quarterly by the Administrative Office of Courts' Public Information Section.

It welcomes news about Alabama's courts and their programs, projects and personnel. To contribute ideas, please contact Sheila Wall at (800) 352-8077 or (334) 244-0300.

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## Courts Reduce Pending Cases

A review of mid-year caseload reports showed that from April 1994 to March 1995 the following courts achieved a throughput greater than 100.0 percent and thereby reduced their pending caseloads:

Circuit Courts		District Courts			
7th Circuit (Calhoun, Cleburne)	103.5	Blount County	101.6	Geneva County	101.5
8th Circuit (Morgan)	112.0	Calhoun County	101.4	Hale County	101.5
18th Circuit (Shelby)	100.6	Clay County	100.6	Houston County	100.5
27th Circuit (Marshall, Guntersville Div.)	128.8	Culbert County	101.8	Jefferson/B'ham	101.5
40th Circuit (Clay, Coosa)	114.8	Cullman County	106.1	Lauderdale County	100.5
		Elmore County	100.9	Marshall County	104.5
		Escambia County	100.5	Montgomery County	100.5
				Franklin County	100.9
				Franklin County	106.1
				Franklin County	100.3
				Shelby County	105.8
				Walker County	102.7



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