

COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

Volume 2 / Number 6

June, 1978

STATE JUDICIAL INQUIRY COMMISSION GIVES LENGTHY ADVISORY OPINION ON POLITICAL ACTIVITIES OF JUDGES

The State Judicial Inquiry Commission has just issued a comprehensive advisory opinion dealing with the political activities of all judges in the state.

Because the state is currently in the midst of political primaries leading up to the general election in November, the entire opinion of the Inquiry Commission is being published in this issue of COURT NEWS.

Five questions were posed to the Commission for answers. They were as follows:

1. Can a judge solicit funds on behalf of a candidate for a non-judicial office from (a) his family and close friends (b) members of the public (c) members of the bar?
2. Can a judge (a) serve as campaign manager in a locality for a candidate (b) solicit votes for a candidate among his family and close friends (c) make speeches at a political rally or other public gathering for a candidate (d) solicit members of the bar to assist or work in the campaign of a candidate (e) privately advise and assist in the campaign of a candidate?
3. Can a judge contribute money or property to a candidate or his designated committee, and if so, is there any limit imposed by Canon 7 on the amount of money and property

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C. C. Torbert, Jr.

CHIEF JUSTICE
TO GIVE JUDICIARY
REPORT TO BENCH,
BAR IN MOBILE

Chief Justice
C. C. TORBERT, Jr.
will address the
bench and bar of
the state at the
opening luncheon

of the annual meeting of the Alabama State Bar in Mobile July 20. The joint luncheon will close the annual meeting of circuit and district judges which begins on July 19.

State Bar President E. C. HORNSBY of Tallahassee has issued a special invitation for all judges to attend the luncheon and other bar association activities at the annual meeting. Hornsby announced recently that all judges who register and attend the circuit and district judge's conference will not have to pay the registration fee for the state bar meeting.

Circuit Judge FORREST ADAMS, president of the Association of Circuit Judges and District Judge JERRY VANDERHOEF, president of the Association of District Judges, have both urged 100 percent attendance at the conference. Speakers, other than the chief justice, include: Francis McGovern, professor at the Cumberland School of Law; Circuit Judge Joe Colquitt of Tuscaloosa; Associate Justice James N. Bloodworth of the State Supreme Court; Attorney Tim Conway of Birm-

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CHIEF JUSTICE
TO GIVE JUDICIARY
REPORT TO BENCH,
BAR IN MOBILE

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ingham; Attorney Champ Lyons, Jr. of Mobile; Richard M. Holston, data systems manager, Board of Corrections, Montgomery; Circuit Judges Charles R. Crowder of Birmingham, Robert E. L. Key of Evergreen, and Ferrill D. McRae of Mobile; District Judges William H. Lumpkin of Centre, Melvin E. Grass of Guntersville, Gary L. McAliley of Enterprise, James M. White of Centreville, Newman C. Sankey of Montgomery, Paul W. Brunson of Mobile, Ralph D. Cook of Bessemer, Arnold Drennen of Birmingham; Attorney Robert L. Potts of Florence; Allen L. Tapley, Administrative Director of Courts.

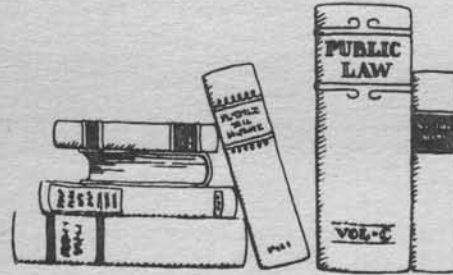
All sessions of the circuit and district judges' meetings will be held at the Sheraton Inn, 301 Government Street, Mobile.

The state bar meeting will officially open with the bench/bar luncheon at noon on Thursday, July 20. This meeting will be conducted in Ballroom B of the Admiral Semmes Hotel. Following the luncheon, the bar will convene in Ballroom A at the Admiral Semmes for its opening general assembly, which should extend until approximately 5:00 p.m.

Tickets for the state bar social events may be purchased by judges when they register for either the circuit or district judges' meeting.

Activities for both the circuit and district judges' meetings and the state bar meeting and the cost of each activity have been forwarded to all judges by the AOC judicial education office.

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

Certain magistrates may issue arrest and search warrants:

In an opinion dated April 11, 1978, the Attorney General has determined that the proviso to Section 12-17-251(c)(1) of the 1975 Code has statewide application.

Section 12-17-251(c)(1) relates to powers of district court magistrates, and provides as follows:

"(1) Issuance of arrest warrants and, where such magistrate is licensed to practice law in Alabama, search warrants, provided, however, that any person who was serving as a full-time magistrate, ex officio judge or assistant ex officio judge of any county court of this state six months prior to the creation of a district court in Tuscaloosa County and is continuing to serve as a magistrate of a district court may issue warrants and search warrants;"

The Attorney General's determination that this provision has statewide applicability means that any person who was serving as a full-time magistrate, ex officio judge or assistant ex officio judge of a county court six months prior to the creation of the district court and is continuing to serve as a magistrate of the district court may issue both arrest and search warrants.

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STATE JUDICIAL INQUIRY COMMISSION GIVES LENGTHY ADVISORY OPINION ON POLITICAL ACTIVITIES OF JUDGES

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that may be contributed?

4. Can a judge authorize his name to be used by a candidate for public office, and if so, to what extent?

5. Can a judge procure advertising in the news media for a candidate and state in such advertisement that he is the sponsor thereof or that he paid for the same?

The Commission was further asked that in consideration of these questions concerning Canon 7, the Commission assume the following:

"...(t)he candidate is seeking non-judicial office, the judge, himself, is not a candidate. The office being sought by a candidate is either a county, state, or federal office and that the candidate will be seeking a party nomination and also expects to be a party nominee or candidate in the general election and that the campaigns will be conducted in 1978 in both the democratic primary and in the general election."

The Judicial Inquiry Commission answered the questions as follows:

Canon 7 of the Alabama Canons of Judicial Ethics is the canon addressed directly to the political conduct of judges, providing in pertinent part as follows in Canon 7A(1):

"Political Conduct in General:
A judge or a candidate for election to a judicial office should endeavor at all times to refrain from political activities inappropriate to the judicial office that he holds or seeks. It is desirable that a judge or a candidate for election to judicial office endeavor not to be involved in the internal workings of political organizations, engage

in campaign activities in connection with a political candidate other than candidates for judicial offices and not be involved in political fund solicitations other than for himself. However, so long as judges are subject to nomination and election as candidates of a political party, it is realized that a judge or a candidate for election to a judicial office cannot divorce himself completely from political organizations and campaign activities which, indirectly or directly, may be involved in his election or re-election. Nevertheless, should a judge or a candidate for judicial position be directly or indirectly involved in the internal workings or campaign activities of a political organization, it is imperative that he conduct himself in a manner at all times to prevent any political considerations, entanglements or influences from ever becoming involved or from ever appearing to be involved in any judicial decision or in the judicial process."

"It is the opinion of this Commission that this canon sets forth the high standards of conduct to which the judges of this state should aspire in order to maintain the independence, impartiality and integrity of the judiciary of this state as mandated by Canon 1 and Canon 2. While Canon 7A(1) discourages but does not absolutely prohibit such political activities in connection with a political candidate other than for judicial office and involvement in political funds solicitations, the canon mandates that judges should make every effort to refrain from political activities inappropriate to the judicial office which he holds. Thus, it is our opinion that this canon places a burden upon individual judges to carefully consider whether their participation in any of the above described activities under a given set of circumstances would violate either the letter or the spirit of Canon 7

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STATE JUDICIAL INQUIRY COMMISSION
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or would violate any of the remaining canons, i.e., Canons 1 and 2. Whether such violations occur would depend on the facts of each particular case.

"In making a decision as to the degree of the discouraged political participation in which he will engage, a judge must also keep in mind the mandate of Canon 7 that it is imperative not only that judges prevent political consideration, entanglements or influences from being involved in any judicial decision or in the judicial process but also that judges prevent even the appearance of such involvement. A judge should always exercise extreme caution so as to in no way involve or inject the prestige of his office into the furtherance of another's political campaign."

The Commission answered the inquiries in the order they were asked:

"1. It is desirable and strongly encouraged that a judge refrain from soliciting funds on behalf of a political candidate. While such solicitation is not prohibited, it is the opinion of this Commission that it would be virtually impossible for a judge to solicit funds on behalf of another from either lawyers who practice within the jurisdiction of his court or litigants appearing before his court without conveying the appearance that political considerations, etc. may be involved in his judicial decisions or in the judicial process. Such solicitation could also lead to a violation of Canons 1 and 2. It would of course be easier for a judge to make such solicitations from either family or very close friends without violating either the letter or spirit of the Canons.

"2. It is desirable and encouraged that a judge not engage in campaign activities in connection with a political candidate. Such discouraged, though not prohibited, activities include serving as a local campaign manager, soliciting votes of the general public, making speeches at a political rally or other public gathering, soliciting members of the bar to assist or work in the campaign of a candidate.

"Canon 7 neither discourages nor prohibits the private expression of opinion by a judge on a political subject. Thus, privately advising or assisting in a political campaign would, under most circumstances in no way violate the spirit of the Canons.

"3. Canon 7 neither discourages nor prohibits contributions of either property or money to a candidate or his designated committee. However, in making such contributions, a judge should exercise caution so that the method or manner in which the contribution is made does not violate the spirit of the Canons.

"4. A judge authorizing his name to be used by a candidate for public office is undesirable and discouraged. This is especially so should the judge authorize the candidate to identify him by his official position.

"5. It is undesirable and strongly discouraged that a judge procure advertising in the news media for a candidate and to state in such advertisement that he is the sponsor thereof or that he paid for the advertisement. Again, this is especially true as to the use of the judge's official title in identifying him as the sponsor of the advertisement.

"We would again emphasize that a judge who becomes involved in any political campaign must exercise extreme caution to maintain the dignity of his office, to uphold the independence, integrity and impartiality of the judiciary, and to refrain from interjecting the prestige of his office into the campaign."

STATE LAW

OFFICERS ARE

NOW USING

NEW UNIFORM

ARREST REPORT

DEVELOPED BY

CRIMINAL

JUSTICE

INFORMATION

CENTER

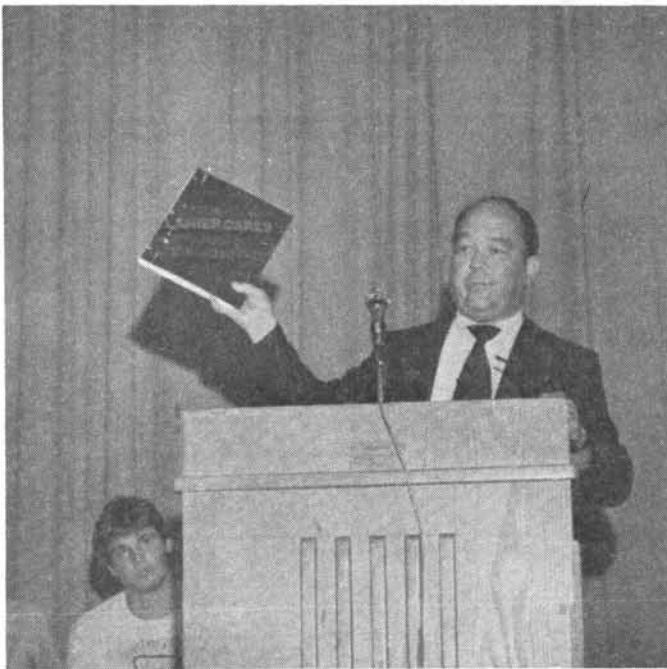
A new uniform arrest report (UAR) has been developed by the Alabama Criminal Justice Information Center to provide essential information for the new computerized Criminal History system.

The Alabama Criminal Justice Information Center, under the guidance of Ruffin Blaylock, has been assisting law enforcement agencies

in the implementation of this new arrest form. A copy of the new form will be sent to the District Court for each felony arrest. When the District Court receives the Uniform Arrest Report, it should be filed in the case jacket associated with the named defendant.

The new arrest form will be needed by court personnel as the new Criminal Case History procedure is implemented across the state. Clerks who are receiving the Uniform Arrest Report should file it with the appropriate case. COURT NEWS is reproducing the form above so clerks may become familiar with it.

| ACJIC - 34 Rev. 5/77 | | ALABAMA UNIFORM ARREST REPORT | | | | | | | | | | | |
|--|--------|-------------------------------|---------------------|---|---------|--|---|---------------------------------------|---------------------------------------|------------------------------|--|-----------|--|
| 1. SID NO. | | 2. FBI NO. | | 3. Contributor's ORI | | 4. Agency Name | | | | 5. Agency Case No. OCA | | | |
| 6. Last Name | | First | | Middle | | 7. Alias AKA | | | | | | | |
| 8. SEX | 9. RAC | 10. HGT | 11. WGT | 12. EYE | 13. HAI | 14. SKN | 15. Scars, Marks, Tattoos and Amputations SMT | | | | | | |
| 16. Place of Birth (City-Town-County) | | 17. State | 18. Social Sec. No. | | SOC | | 19. Date of Birth DOB | | 20. Miscellaneous No. (Indicate type) | | | | |
| 21. Fingerprint Class (Leave Blank) | | FPC | | Key Major Primary Scdy. Sub-Secondary Final | | HENRY CLASS | | H Y | | 22. Identification Comments | | ICO | |
| 23. Home Address | | Street | | City-Town-County | | State | | 24. Res. Phone | | 25. Occupation (Be Specific) | | | |
| 26. Employer (Name of Company or School) | | | | 27. Business Address (Street-City-State) | | | | 28. Bus. Phone | | | | | |
| 29. Location of Arrest (Street-City-State) | | | | | | 30. Sector Number | | 31. Arrested for your Jurisdiction? | | | | | |
| 32. Condition of Arrestee | | 33. Resist Arrest? | | 34. Injuries? | | 35. Armed? | | 36. Description of Weapon | | | | | |
| 37. Date of Arrest DOA | | 38. Time of Arrest | | 39. S T T S | | 40. Type Arrest | | 41. Arrested Before? | | | | | |
| Month Day Year | | Month Day Year | | M W F | | On-View Call Warrant | | Yes No Unk. | | | | | |
| 42. Charge - 1 | | AOL | | A. Offense Date DOO | | 48. Charge - 2 | | AOL | | A. Offense Date DOO | | | |
| 43. NCIC Code AON | | 44. B. Time of Offense | | 49. NCIC Code AON | | 50. B. Time of Offense | | | | | | | |
| 45. State Statute Citation CIT | | 46. Warrant No. | | 47. Date Issued | | 51. State Statute Citation CIT | | 52. Warrant No. | | 53. Date Issued | | | |
| 54. Charge - 3 | | A. Offense Date DOO | | 60. Charge - 4 | | A. Offense Date DOO | | | | | | | |
| 55. NCIC Code AON | | 56. B. Time of Offense | | 61. NCIC Code AON | | 62. B. Time of Offense | | | | | | | |
| 57. State Statute Citation CIT | | 58. Warrant No. | | 59. Date Issued | | 63. State Statute Citation CIT | | 64. Warrant No. | | 65. Date Issued | | | |
| OBTS No. | | 66. Arrest Disposition | | ADN | | 67. If out on Release, what type? | | 68. Additional Arrest Disposition ADD | | | | | |
| A- 0070311 | | 1. Held 2. Reisd. 3. TOT-LE | | 4. Bail 5. TOT-W 6. REF-JUV | | 7. Other | | | | | | | |
| 69. Arrested with (1) Accomplice Full Name | | | | | | 70. Arrested with (2) Accomplice Full Name | | | | | | | |
| 71. Veh. Yr. | | 72. Vehicle Make | | 73. Veh. Mod. | | 74. Style | | 75. Color (Top) (Bottom) | | 76. Tag No. | | 77. State | |
| 79. V.I.N. | | 80. Impounded? | | 81. Location | | | | | | | | | |
| 82. Other Evidence Seized (Court Papers in Arrestee's Possession?) | | | | | | | | | | | | | |
| 83. Circumstances Leading to, or Resulting in, Arrest. Include Disposition of Items Seized. (Describe Briefly) | | | | | | | | | | | | | |



Circuit Judge JOE PHELPS presents awards for Law Awareness Program.

MONTGOMERY JUDGES, LAWYERS HELP SPONSOR LAW AWARENESS PROGRAM FOR CITY'S SCHOOLS

Through the efforts of the judges and lawyers of the 15th Judicial Circuit in Montgomery and the Montgomery County Board of Education a program on Law Awareness has been instituted in the junior and senior high schools of Montgomery.

In recent ceremonies Circuit Judge Joe Phelps presented awards of \$500 each to McIntyre Junior High and Lanier High School, winners in the Law Awareness Program competition.

The program was initiated by the circuit's judges and lawyers and Mrs. Nellie Weil, a member of the County Board of Education. The purpose of the program is to recognize the need of young people to know about the law. Student and faculty steering committees were inspired to design programs to provide opportunities for young people to learn

and help others to learn. Each junior high and senior high school submitted scrapbooks depicting Law Awareness Program activities conducted during the year. After intensive study of the scrapbooks, a panel of judges rated the programs on the basis of student participation, the quality of activities, outreach of activities, and general planning. Judge Phelps reports that the panel was impressed by the involvement of students and the quality of activities at all schools.

STATE EMPLOYEES ASSOCIATION TO MEET

The State Employees Association meeting will be held in Huntsville in August. One employee from each office may be authorized administrative leave (paid leave) in order to attend this meeting should any employees who are members of this association wish to attend. Information on this meeting will be furnished to members by the association.

STATE EMPLOYEES MAY NOT BE PAID AS PART-TIME BAILIFFS

The AOC has recently received expense claim forms requesting payment for UJS employees who performed temporary duty as part-time bailiffs in addition to their regular duties. Regular employees may not receive their regular pay and additional pay as part-time bailiffs. If a regular UJS employee serves temporarily as a part-time bailiff, he must be paid on the regular payroll at his assigned pay rate. Should the duty as part-time bailiff result in the employee exceeding 8 hours in one day or 40 hours in one week, that employee must be credited with the appropriate hours of overtime as accumulated compensatory leave on the employee's leave accounting card.

NEWS CLIPS FROM THE STATE PRESS

AMERICAN LEGION, VFW DONATE FLAGS FOR ASHVILLE, PELL CITY COURTHOUSES



Flags For The Courthouse

An American Flag and the Alabama State Flag were purchased recently for display in the courtroom of the Pell City Courthouse, as a joint project of the Pell City American Legion and VFW posts. Shown presenting the flags to Sheriff Clemons Roe (left) are, from left, Circuit Judge Edwin Holladay, who is also Commander of VFW Post 1758; Clyde Dockery, who was project chairman, and Bob Cornett, Commander of American Legion Post 109. It is the first time flags have even been displayed in the history of the present Pell City Courthouse and Judge Holladay commented that "it may have been the only courthouse in the state that did not display flags in the courtroom."

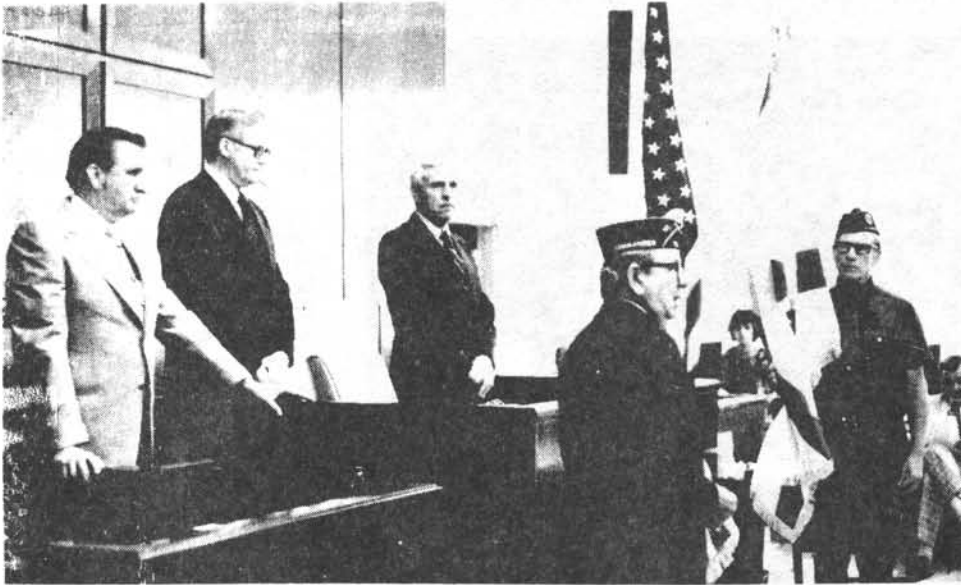


Flags For Ashville Courthouse

In a special ceremony before circuit court in Ashville convened Monday morning, American Legion Post 170 and the American Legion Auxiliary presented the American flag and Alabama flag to be displayed in the courtroom there. From left to right, front row: Joe Densmore, Nell Densmore, Casper Carlisle, Henry Patterson, Herbert Collett and Gladys Garrison of the American Legion and Auxiliary. Back row: Circuit Court Judges Edwin Holladay and Carl Nesmith.

NEWS CLIPS FROM THE STATE PRESS

Blount County Observer, Oneonta, AL

**Legion gives flags**

American Legion Post #72 presented Alabama in U.S. flags to the county to be placed in the courtroom. Present at the ceremony were the sheriff, judges, and American Legion members. Presiding Judge H.E. Holladay thanked the Legion, headed by commander Peter G. Prucnal. (Observer staff photo)

Citizens Use Small Claims Court In 1977

Chief Justice C. C. Torbert, Jr. says that over 64,000 Alabama citizens used the state's new Small Claims Courts during 1977 to file lawsuits without having to hire assistance.

These courts, created under the Judicial Article, permit citizens to sue for claims of up to \$500 by filling out a simplified form and paying a \$10 filing fee.

The Small Claims Division of the Elmore County District Court reported 309 filings during the past year. District Judge Edwin Sanford hears these cases.

An instruction booklet, prepared by the Unified Judicial System, may be obtained to assist in the filing of suits in the Small Claims Courts. Also, assistance in filing may be obtained from the clerk's office in each county.

THE WETUMPKA HERALD

Goodbye excuses for getting off jury

BY STAN BAILEY
News staff writer

MONTGOMERY—If you're used to getting out of jury duty because you are a doctor, lawyer, judge or even a newspaper reporter, say goodbye to your excuses.

Alabama Chief Justice C.C. Torbert says Gov. George Wallace's office has notified him the bill removing jury duty exemptions, which passed the recent session of the Legislature, has been signed into law.

As originally written, the bill exempted only lawyers and judges, but amendments have knocked out their excuses too.

TORBERT SAID he's glad the bill has become law, because it often is difficult to get persons to serve on juries, and in some small communities the same persons always get the chore repeatedly.

"It's so important in my view in the

administration of justice that everybody over the age of 19 goes into the jury box," Torbert said.

"I want to see more citizens serve on juries. It's a public obligation," he said, adding that it even "can be fun."

Torbert said the new law removes even the previous exemptions for persons over 65.

The law makes it mandatory to include in the master jury lists the names of all registered voters, persons holding driver's licenses and registering motor vehicles.

IT PROVIDES THAT the sources

"may include other lists, such as lists of utility customers and persons listing property for ad valorem taxation."

The list must be corrected at least once every four years.

The master jury list at any one time must include 1,000 names plus one per

the master list.

The jury box must be emptied in July of each even-numbered year, effective immediately.

The law sets up statistical sampling methods for random selection of names from the jury box for duty in a given court term.

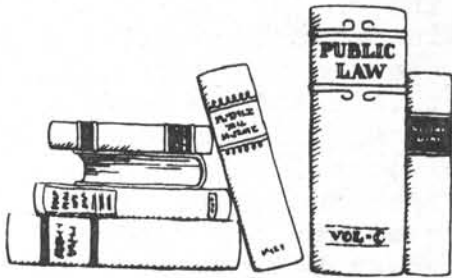
QUALIFICATIONS for jury service include the requirement that the person be a U.S. citizen, a resident of his county for at least 12 months, able to read, speak and understand English, and must not have been convicted of a crime involving moral turpitude.

The law permits the judge to excuse persons from jury service on a specific finding of "undue hardship, extreme inconvenience, or public necessity."

The excuse is good only so long as the judge deems it necessary, at which time he can order the excused person to return and serve on a jury.

BIRMINGHAM NEWS

LEGAL NOTES



(Continued from Page 2)

Commissioned district judges must run for re-election in 1980:

The Attorney General has determined that those individuals commissioned as district court judges pursuant to Section 6.21(d) of Amendment No. 328 to the Alabama Constitution (the Judicial Article) will be required to stand for re-election at the general election in November of 1980.

Section 6.21(d) of the Judicial Article provides as follows:

"(d) All judges of any court in this state, excepting the supreme court, court of criminal appeals, court of civil appeals, circuit courts, probate courts, and city courts, whose salaries or compensation are paid by their respective counties, who are qualified under the provisions of this article and who are holding office at the time of the approval of this constitutional amendment by the legislature and on the date of the establishment of the district court, shall be commissioned judges of the district court. Each such judge, accepting commission as a district judge, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election after he has completed three years in office as a district judge. At such election, said judicial office shall be filled

for a full term of office beginning at the end of the term for which such judge was commissioned."

COST FOR SERVICE OF PROCESS:

The question has again arisen as to whether or not it is proper to charge for service of process when the first attempt at service was unsuccessful. It continues to be the position of this office that, if the first attempt at service is unsuccessful and is not due to any error or negligence on the part of the clerk's office, subsequent attempts at service should carry the appropriate charge.

BOND FORFEITURE TO BE PAID TO STATE:

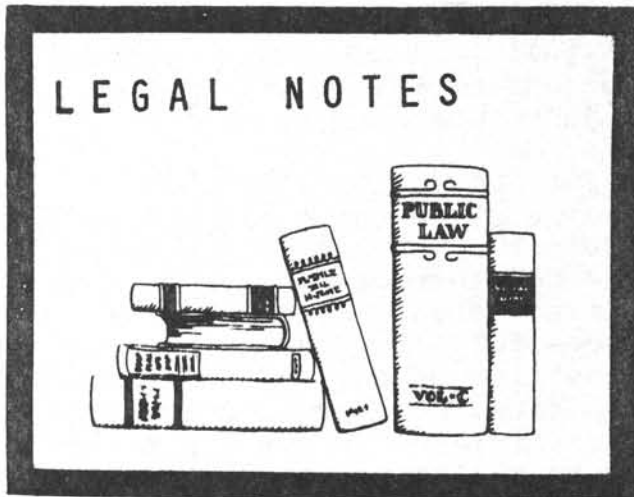
Section 7 of Act No. 821, 1978 Regular Session, amends Section 15-13-80(b) of the 1975 Code to provide that bond forfeitures shall be paid into the state general fund.

That section, as amended by Act No. 821, now reads as follows: "(b) If, by reason of the neglect of the defendant to appear, money deposited instead of bail is forfeited and the forfeiture is not discharged or remitted, the clerk with whom it is deposited must, at the end of 30 days, unless the court has before that time discharged the forfeiture, pay over the money deposited to such officer, official or employee authorized by law to receive fines levied by such court. Thereupon, the court shall, without any notice to the defendant, enter judgment absolute for the entire sum deposited, and thereupon such money shall become public money of the state general fund."

SECURITY OF DRIVER LICENSE INFORMATION FOR USE BY JURY COMMISSIONS:

In a meeting recently conducted with officials from the Department of Public Safety, it was determined that the records of licensed drivers provided to each jury commission for use in compiling the juror list should be protected from any other unauthorized use. In the agreement

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worked out with DPS, it was decided that the Supreme Court should consider issuing a protective order to insure the integrity of these records. It was also determined that a security agreement should be drafted and adopted by the Court for those jury commissions which may contract with independent data processing firms for the purpose of establishing their master lists. Magnetic tapes of the licensed drivers for use in these counties cannot be released until the security agreement is adopted. Both measures have been submitted to the Supreme Court for final action at this time. Local jury commissions, clerks and presiding circuit judges will be notified as soon as possible on the Court's decision.

AUTHORITY OF MAGISTRATES TO ISSUE WARRANTS IN CERTAIN JUVENILE PROCEEDINGS:

Section 12-15-50 of the 1975 Code provides that juvenile cases shall be initiated by the filing of a petition by the intake officer. Rule 8 of the Alabama Rules of Juvenile Procedure defines an intake officer as being either a probation officer or a magistrate having the authority to administer oaths for the purpose of verifying complaints. Rule 12 of the juvenile rules provides that the filing of a complaint with the intake officer invokes the

jurisdiction of the juvenile court in proceedings involving delinquency, dependency, or the need for supervision of the child. Hence, it appears that an intake officer is the proper party to invoke the jurisdiction of the court in these proceedings.

Where the jurisdiction of the juvenile court invokes to bring an adult before the court, in cases involving either the paternity of a child, desertion and non-support, or contributing to the delinquency of a minor, the procedure is different.

Section 26-12-1 of the 1975 Code provides that paternity proceedings are commenced by the filing of a written complaint. Section 26-12-2 provides that, upon the filing of a complaint with the juvenile court, the judge shall issue the warrant of arrest. It, therefore, appears that magistrates are precluded from issuing warrants in these cases.

Section 30-4-53 of the 1975 Code provides that desertion and non-support cases may be instituted upon "complaint made under oath by any person having knowledge of the facts." This would indicate that a magistrate may issue warrants in these cases.

Contributing cases are addressed in Section 12-15-13(b) of the 1975 Code and that section provides, in part, that a person may be brought before the court either upon a summons or warrant, probable cause first being determined. This likewise appears to authorize a magistrate to issue the necessary warrant.

PROCEDURE FOR TRANSFERRING TRAFFIC

CASES FROM MUNICIPAL OR DISTRICT

COURT TO JUVENILE COURT

The proper procedure for transferring traffic cases from a municipal or district court to a juvenile court is for the municipal or district court clerk to write on the court record copy of the #1 yellow and #2 white copies in the space "Orders of the Court" that the case was transferred to the juvenile court. At that time, the white copy will be mailed to the Department of Public Safety and the yellow copy retained by the municipal or district court.

DEPARTMENT OF STATE ANNOUNCES CHANGES IN PASSPORT APPLICATIONS ACCEPTANCE PROGRAM

Ms. Beatrice Mite, agent-in-charge, Passport Agency, of Miami, Florida informed circuit and district court clerks during the Clerks and Registers Annual Conference on June 9th of new passport regulations which went into effect January 1st, but which become mandatory July 1, 1978. They are as follows: (1) Passport applications which bear an issue date before January, 1978, will not be accepted; (2) Photograph requirements are now two inches square with the head dimensions as shown on the passport application; (3) The bearer may include his/her spouse and minor children under the age of 13; (4) Minors under 18 may include minor brothers/sisters under the age of 13; (5) In all cases, the bearer must sign his/her photographs on the front, along the left hand side and also on the reverse side; (6) Inclusions should be duplicate group photographs and should be signed on the reverse side by the bearer in his/her name only.

These changes are a means of streamlining the files retention program and are a preliminary step in the Travel Document Issue System (TDIS) which will eventually evolve into a machine readable passport card.

Ms. Mite has informed her Washington office about the clerks who are interested in becoming a part of the Passport Program and also of those clerks who require forms and manuals. She has suggested that seminars be held at a central location in Alabama to more fully instruct clerks in the Passport Application Acceptance Program.

Copies of Ms. Mite's "Do's and Don'ts" in accepting passport applications will be forwarded to all clerks. This can be a most

useful tool for clerks because it is a quick reference and precludes the need to search through the Passport Agents' Manual.

If additional information is needed concerning the Passport Application Acceptance Program contact: Ms. Beatrice Mite, Agent-in-Charge, Miami Passport Agency, Department of State, U.S.A., 51 S.W. First Avenue, Room 804, Miami, Florida 33130; telephone (305)350-5397.

COURT EMPLOYEES CAN PARTICIPATE IN TAX-SHELTERED INVESTMENT PLAN

Some time ago, the Alabama legislature passed into law a bill enabling all employees of the State of Alabama to take advantage of a new Internal Revenue Service Ruling permitting them to establish a Tax-Sheltered Savings and Investment Program.

Simply put, this new IRS Ruling, coupled with our Alabama legislation, would allow an employee, completely voluntarily, to set aside as Deferred Compensation a portion of his or her earnings before federal withholding taxes and direct that money into a Special Savings and Investment Account where it would continue to grow and compound future earnings on a tax-deferred basis.

During the past year, many state employees had the opportunity to attend seminars given by PEBSCO (Public Employees Benefit Services Corp.) on its Tax-Sheltered Savings and Investment Program.

The Alabama State Personnel Board contracted with PEBSCO to design, implement and administer this program to provide full service to all state employees. PEBSCO was charged with the responsibility to conduct seminars for all eligible employees of the state and further to personally interview those who request at the conclusion of the group presentation and explain the advantages of their participation in the plan.

The group seminars and the personal
(Continued on Page 12)

COURT EMPLOYEES CAN PARTICIPATE IN TAX-SHELTERED INVESTMENT PLAN

(Continued from Page 11)

interviews will be at a time and place arranged for by immediate supervisors.

This program represents an opportunity for every state employee to use a part of what are now "tax dollars" to help build for future financial hardships, emergencies, disability, early retirement, or simply additional income after normal retirement. Participation in the program is entirely voluntary.

DEVON KIKER NEW PRESIDENT OF CLERKS AND REGISTERS

Circuit Court Clerk Devon Kiker of Russell County was elected president of the Association of Clerks and Registers at the association's annual meeting this month at Point Aquarius. Mr. Kiker succeeds Glenn Murphy of Lauderdale County as president.

Morris Moatts, Chilton County clerk, was elected first vice president; Joyce Martin, Winston County register, second vice president; Robert Newman, Jr., Pike County clerk, third vice president; and Jane Smith of Madison County, secretary-treasurer.

NOTES FOR MUNICIPAL CLERKS

• Each police chief in Alabama was recently provided two UTC manual binders with instructions to give one to the clerk of the court he uses for moving traffic violations. Municipal clerks who did not get a copy should check with their police chief.

• All white copies of UTC's which have been adjudicated in municipal courts should be mailed to:

Drivers License Division
Department of Public Safety
Post Office Box 1471
Montgomery, AL 36130

This is in compliance with Chapter 3, Part 5, of the UTC Manual.

GARNIETA STRICKLAND COMPLETES

25 YEARS WITH MONTGOMERY COURTS

Garnieta N. Strickland completed 25 years of service with the state court system this past June 8th. An employee with the Montgomery County District Court, Ms. Strickland says she is proud to have served with the courts for that number of years. COURT NEWS salutes Ms. Strickland for her years of service.



COURT NEWS

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