

COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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CHIEF JUSTICE ADDRESSES JOINT SESSION OF ALABAMA LEGISLATURE

TORBERT TELLS LAWMAKERS COURT SYSTEM IS SOUND

Chief Justice Torbert addressed a joint session of the Alabama Legislature Thursday, June 28. In his second "State of the Judiciary" address, the chief justice reported that Alabama's system of justice has been ranked as one of the best in the nation during the past year by two separate and independent surveys. Torbert lauded state judges, court officials and

employees for their diligence in maintaining court dockets whereby citizens of the state can expect no unnecessary delay in the resolution of their disputes. He urged better pay for judges, court officials and employees, citing the need to continue to attract experienced and competent people into judicial service. The chief justice told the legislators that in addressing the state's problems, they had a job similar to that of a judge; one with many headaches, frequent misunderstanding and little appreciation.

The full text of Chief Justice Torbert's remarks follows:



TORBERT ADDRESSING LEGISLATURE

Lieutenant Governor McMillan, Mr. Speaker McCorquodale, members of the Alabama Legislature, Ladies and Gentlemen. I welcome this opportunity to provide you and the citizens of our State a report on the Alabama Judicial System.

I am pleased to tell you today that the Judicial Branch of your State Government is sound, and operating in a fashion whereby citizens of Alabama can get their disputes resolved in a fair and just manner within a reasonable period of time.

I can also report to you that the Judicial Department of our State has
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CLERKS AND REGISTERS

HOLD ANNUAL CONFERENCE

Alabama's clerks and registers held their annual conference at Joe Wheeler State Park during June. Association President Devon Kiker presided. Chief Justice C. C. Torbert, Jr., delivered the keynote address and discussed the current status of the state judicial system. He complimented the officials and their employees on their cooperation and diligent work and took the opportunity to present to the clerks and registers some ideas being considered and asked for their recommendations.

Patrick Robinson and Ken Stringer from the Department of Examiners of Public Accounts led a discussion of costs and fees.

Panel and group discussions were conducted on small claims and bond forfeitures. The panel discussing small claims consisted of Bobby Green of Blount County, Elizabeth Hamner of Tuscaloosa County and Morris Moatts of Chilton County. Bond forfeitures were discussed by Bobby Branum of Butler County, Bill Kynard of Dallas County and Robert Newman of Pike County.

New officers for the Alabama Association of Clerks and Registers were installed on Saturday morning. They are: Morris Moatts, Clerk and Register, Chilton County, president; Joyce Martin, Register, Winston County, first vice president; Robert Newman, Clerk and Register, Pike County, second vice president; Sam Grice, Clerk, Talladega County, third vice president; and Jane Smith of Madison County, secretary/treasurer.

FEES FOR FISH AND GAME,

WATER SAFETY CASES SUMMARIZED

At the recent annual meeting of the Association of Clerks and Registers, questions were raised again concerning when it is appropriate to charge the district attorney's fee in fish and game and water safety cases. After some discussion with representatives of the Examiners of Public Accounts, it was agreed that the

following is an accurate summary of the laws and the Attorney General's opinion regarding this topic:

(1) Pursuant to the provisions of Section 9-11-7, Code of Alabama 1975, and the Attorney General's opinion of December 16, 1977, a district attorney's fee should not be collected in fish and game cases in the district court. This reasoning would apply regardless of whether there is a trial in the case or the defendant pleads guilty.

(2) If there is an appeal of a fish and game case to the circuit court, the clerk is authorized to collect the district attorney's fee on the case in the circuit court. (See the last sentence of Section 9-11-7, Code of Alabama 1975.)

(3) Pursuant to Section 33-5-33, Code of Alabama 1975, in misdemeanor cases involving violations of the provisions of the chapter concerning water safety and violations of laws enforceable by the marine police division, if the defendant pleads guilty and no appeal is taken the district attorney's fee should not be collected by the district or circuit clerk. However, if the case goes to trial or an appeal is taken, the district attorney's fee should be collected in these cases.

CIRCUIT, DISTRICT JUDGES'

HUNTSVILLE MEETING PLANS,

PROGRAM NOW FINALIZED

The Annual Conference of Circuit Judges and District Judges will be July 18-19 at the Carriage Inn in Huntsville. Keynote addresses will be delivered by Chief Justice C. C. Torbert, Jr., and the director of the Department of Public Safety, Col. Jerry L. Shoemaker.

Justice James N. Bloodworth, Alabama Supreme Court, Judge William M. Bowen, Jr., Alabama Court of Criminal Appeals, and Judge Joseph Colquitt, presiding judge of the 6th Judicial Circuit, will discuss recent decisions relating to death penalty cases.

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NEW OFFICERS OF ASSOCIATION OF CLERKS AND REGISTERS - Clerks and Registers elected new officers at the association's annual meeting June 6-9 at Joe Wheeler State Park. Pictured from left to right are: Devon Kiker of Phenix City, the outgoing president; Morris Moatts of Clanton, president; Joyce Martin of Double Springs, first vice president; Robert Newman of Troy, second vice president; Jane Smith of Huntsville, secretary and treasurer.

BOBBY BRANUM NAMED TO BOARD

OF NATIONAL ASSOCIATION OF COURT ADMINISTRATORS

Butler County Circuit Clerk, Bobby Branum, has been nominated to the Board of Directors of the National Association for Court Administration. N.A.C.A. is a 600-member national organization of court administrators and court clerks who are interested in improving themselves in the field of court administration and in this way improving the justice system.

Bobby is currently the Alabama representative appointed by the President of N.A.C.A. He has served as third, second, and first vice president and as president of the Alabama Association of Court Clerks and Registers. He is past chairman of the Convention Committee, Nominating Committee, Resolutions Committee; and is presently serving as chairman of the Retirement Committee; and is a member of the Nominating Committee of the Alabama Association.



BRANUM

He attended the National Workshop for Court Administrators on Standards and Goals at the National Judicial College on the campus of the University of Nevada in Reno, and has attended various workshops and conferences sponsored by the Administrative Office of Courts and the Alabama Judicial College.

A regular member of the National Association for Court Administration since 1973, Bobby attended the 10th Annual Conference in Portland, Oregon.

He is a member of the Alabama Association of Court Clerks and Registers, the American Judicature Society and the International Association of Clerks, Records, Election Officials and Treasurers.

CIRCUIT, DISTRICT JUDGES' HUNTSVILLE MEETING PLANS, PROGRAM NOW FINALIZED

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Traffic adjudication will be the topic for discussion by a panel moderated by Robert T. Simpson of the Administrative Office of Courts and consisting of Col. Shoemaker, Maj. Harold Hammond and Trooper Tommy Cheatum of the Department of Public Safety, Robert B. Finley of the Department of Public Health, and Judges Aubrey Ford of Macon County, John Haislip of Jackson County, John Karrh of Tuscaloosa County and Dominick Matranga of Mobile County.

The judge's role in modern society will be discussed by Justice Reneau Almon.

Appeals from district court to circuit court will be considered in two parts. The first - the procedural aspects of the appeal - will be presented by attorney Robert L. Potts of Florence. The second portion of the discussion will be concerned with the pleading and evidentiary aspects of the appeal.

Dennis Challeen, judge of the Winona, Minn., County Court, will make a presentation on creative restitution sentencing.

Judge Craig Miller of the District Court of Montgomery County will discuss worthless checks and false pretense.

A panel discussion on effective pre-trial and settlement conferences will be led by Federal District Judge Seybourn H. Lynne of Birmingham with the assistance of attorneys Albert Copeland and Oakley Melton both of Montgomery and E. C. "Sonny" Hornsby of Tallassee.

Judge Wallace Gibson, president of the Alabama Association of Circuit Judges, and Judge R. Powell Duska, president of the Alabama Association of District Judges, will preside at the meetings.

JUVENILE COURT JUDGES HOLD REGIONAL MEETINGS

The Alabama Judicial College sponsored regional meetings for juvenile court judges and juvenile probation officers in Cullman on May 31-June 1 and in Greenville on June 14-15. Conference participants received an update on recent appellate decisions relating to juvenile matters from William J. Samford, advocacy representative of the Department of Youth Services.

Judge John Davis of Montgomery led a discussion of the various aspects of transferring a case from juvenile court to adult court. A video presentation of a simulated hearing raised questions from participants. Richard Bentley and Floyd Minor, representing prosecution and defense points of view respectively, responded to the questions.

Judges were divided into groups based on the number of juvenile cases filed in their particular court and group discussions were conducted on termination of parental rights, bifurcated hearings, paternity-support and privacy and confidentiality.

EDUCATION MEETING SET FOR JUDICIAL SECRETARIES

The Alabama Judicial College has scheduled an education conference for circuit and district judges' secretaries on July 26-27 at the Ramada Inn Southwest in Montgomery. Conference materials have been mailed. Registration forms are due back to AJC not later than July 6.

CHIEF JUSTICE AUTHORIZES JUDICIAL HOLIDAY SCHEDULE

Chief Justice Torbert has authorized a 1980 holiday schedule for court officials and employees in accordance with the holiday schedule adopted for the executive and

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FOR UA's DAVID MATHEWS ... THE GROVE HILL INFLUENCE GUIDES MUCH OF HIS THINKING

It was a decade ago that David Mathews became president of his alma mater. He was 33 at the time, the youngest man ever named to head the University of Alabama.

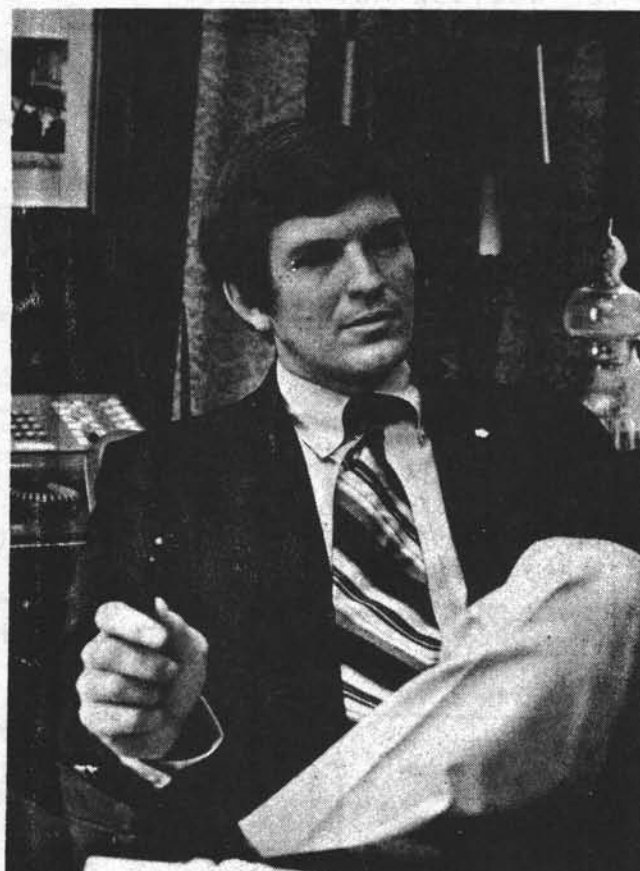
While he has served as president of a major state university and headed one of the world's most complex bureaucracies -- he was Secretary of Health, Education, and Welfare in the Ford Administration -- Mathews claims his roots hold him to a consistent philosophical footing. A native of Grove Hill, as is his wife, Mary, Mathews has frequently espoused the virtues of a Grove Hill background. In a recent article in *The Tuscaloosa News*, Mathews was quoted: "I grew up with my grandfather's sense that unless you owned land and farmed, there was something wrong. I guess it is the Jeffersonian concept. Nobody ever sat down and said that to me or gave me a book about it. It came by osmosis."

In a 1975 article in *The National Observer*, Mathews offered this self-analysis: "My instincts are essentially those of a teacher. My concern is with the relationship between education and public policy."

Indeed, the president still finds time to be a history teacher. "He has a file on every student he's ever had," current research assistant Mike Foley said, adding that Mathews is "by far the best teacher I ever had ... he's very intellectual but very personable in the classroom."

The premise that an outstanding teacher and scholar cannot be a good government administrator is shot down by the Mathews record. When former President Gerald R. Ford was on campus last year, he praised Mathews as "one of the most outstanding -- if not the most outstanding -- HEW secretaries."

Mathews and the university have been instrumental in assisting the Administrative Office of Courts develop and finance



DR. DAVID MATHEWS

the new Alabama Judicial College now located in Farrah Hall on the Tuscaloosa campus. "We could not have made this significant step toward improving our judicial training and educational capabilities without the excellent help of Dr. Mathews," Administrative Director of Courts Allen Tapley said.

The father of two daughters, Lucy, 14, and Lee Ann, 17, Mathews is often quoted as a spokesman for the "New South." Countless stories, including a *Saturday Review* cover story -- "New Beat in the Heart of Dixie" -- have offered "inside" looks at Mathews.

Mathews received his doctorate from Columbia University and holds several honorary degrees. He was once selected as one of the "Ten Most Outstanding Young Men in America" by the U.S. Jaycees.

There's no doubt Mathews' interest in history guides his thinking on even the most contemporary issues. "Whatever we build," he believes, "the future should be the best of what we knew."

CHIEF JUSTICE AUTHORIZES JUDICIAL HOLIDAY SCHEDULE

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legislative branches of state government. The Administrative Office of Courts will observe this schedule as set forth below. However, in view of need for flexibility as regards holidays, the Supreme Court has provided in Rule 77(c), Alabama Rules of Civil Procedure and Rule 5, Alabama Rules of Judicial Administration, that the circuit and district courts may, by local rule, establish that the offices of the clerk or register shall be open on a particular holiday. It is suggested that, if there is a need for variation in the holidays set forth below, local officials work cooperatively in making the necessary arrangements. If any court employee is required to work on one of the scheduled holidays, that person should be given compensatory time off at a later date.

New Year's Day
January 1, 1980

Robert E. Lee's Birthday
January 21, 1980 *

George Washington's Birthday
February 18, 1980 *

Mardi Gras Day
February 19, 1980

Thomas Jefferson's Birthday
April 14, 1980 **

Confederate Memorial Day
April 28, 1980 *

Jefferson Davis' Birthday
June 2, 1980 *

Independence Day
July 4, 1980

Labor Day
September 1, 1980

Columbus Day
October 13, 1980 *

Veterans' Day
November 11, 1980

Thanksgiving Day
November 27, 1980

Christmas Day
December 25, 1980

- * Monday holidays - Act No. 1103 of 1969.
- ** Thomas Jefferson's birthday falls on Sunday and will be observed on the following Monday.

RETIREMENT BOARD ACTION

ALLOWS RETIREE EMPLOYMENT

At a recent meeting of the Board of Control of both the Employees' Retirement System and the Teachers' Retirement System, a ruling change was passed that is important to all officials and employees of the court system. The two boards ruled that retirees are now allowed to be employed by the state and may continue to receive benefits under their respective retirement plan.

The boards, however, reiterated that the amount that is allowed to be earned by any individual is limited to that amount authorized by the Social Security Administration. Currently, the limits for 1979 are as follows:

<u>Calendar Year</u>	<u>Age</u>	<u>Limit</u>
1979	Under 65	\$3,480
	65-72	4,500
	Over 72	No limit

These amounts can vary from year to year. Therefore, each individual is advised to confer with the local Social Security Office for any changes.

COURT CALENDARS, NOT DOCKETS,

SHOULD BE MAILED TO AOC

Circuit and district judges are requested to forward copies of court calendars to the AOC as calendars are
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ADAMS REFLECTS ON CAREER

BEING A JUDGE

SOMETIMES A LONELY TASK

"Being a judge is a mighty lonely place sometimes, because you're all alone -- you have to make the decision," said Circuit Court Judge Forrest L. Adams, reflecting on his career on the bench.

"But there is always someone to correct you, like the State Supreme Court," he added with a touch of humor.

Adams was appointed to the 20th Judicial Circuit in 1966.

Now he is heading into retirement this July at the age of 58. A heart blockage problem that surfaced a year ago has lessened the judge's capacity to withstand the punishing caseload he must handle in court.

"The workload was straining on me when it used to be something I enjoyed," he admitted. "I felt it was in my best interest and the best interest of the circuit court if I retired."

Although few personnel and no judges have been added to the 20th Judicial Circuit in the past few years, caseloads have almost tripled.

Many lawyers tend to shun the job of being a state judge because it pays much less than most lawyers make, but Adams said he accepted the position because "being a judge is the height of my profession."

I never wanted to be anything but a lawyer from the time I was a small boy," he recalled. Adams spent his younger years growing up in the Barbour County community of Texasville.

"My father and I used to go to the county courthouse at Clayton and sit in on court -- it was a pastime back then for many folks. That's when I decided to be a lawyer. Those oldtime lawyers made speeches that shook the rafters of



JUDGE FORREST L. ADAMS

the courthouse, real fire and brimstone."

After school and military service, Judge Adams returned to the Wiregrass and opened his law practice in Abbeville on January 8, 1949, the day he was admitted to the bar. He made \$1.50 his first month at his new profession, and \$7.50 the second month.

"The fee for filing a divorce was \$15 when I first started out," he said.

In 1951, then Circuit Solicitor Keener Baxley appointed Adams as County Solicitor for Henry County. Governor Jim Folsom appointed Adams as Circuit Solicitor (which later became the district attorney position) in 1957. His friend and former schoolmate Gov. George Wallace appointed him Circuit Judge in 1966.

Following the death of Judge Keener Baxley, Adams became the circuit's presiding judge. As the presiding judge, he

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BEING A JUDGE

SOMETIMES A LONELY TASK

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sets the court calendar and terms and handles administrative duties.

Adams revealed that, although he thinks the development of a case by the lawyers during a trial is the most interesting part of being a judge, he enjoyed being the Circuit Solicitor more.

"A Circuit Solicitor plays a more active role. You have a sort of adversary relationship with the other attorneys," he said.

Discussing the Unified Judicial System that was implemented in state courts five years ago, Adams said: "I think it's great. Of course, no one likes to change but the greatest thing about the new system is that an attorney can go into any court district in the state and it will be the same. It didn't used to be that way."

Adams feels that "everyone in the U.S. is looking to us as a model. Several other states have changed over to our type of system recently."

Adams, who is a past president of the Alabama Circuit Judges' Association, has nothing but praise for the Circuit Court Clerk's office in Houston County. He said the Houston County office is "well thought of around the state."

He also feels the local bar association is one of the best in the state.

"I don't know of any other place in the state that has better members. The bar has been very good to me."

The judge now plans to enter a quieter, less demanding life. "I've got a farm in Barbour County, and I'll mess around there some. I don't expect to go back to practicing law."

He has a greenhouse and a garden he likes to work in, and he also likes to go

fishing -- "But I'm not obsessed with it," he said.

After years of taking home cases on nights and weekends to read and ponder, Adams has had enough of schedules and regular working hours.

"I want to do what I want to do, when I want to do it. Nothing else." And that's the truth, the whole truth, and nothing but the truth.

(This article excerpted from a Dothan Eagle story by Gary Lindsay.)

COURT CALENDARS, NOT DOCKETS,

SHOULD BE MAILED TO AOC

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set. It is court calendars, not dockets, that are needed. Circuit and district clerks, court administrators or secretaries who are responsible for handling the calendars may send them in for their judges. Address the calendars to Nancy Morochnick, AOC, Trial Court Management Division.

CREDIT INFORMATION INQUIRIES

SHOULD BE DIRECTED TO AOC

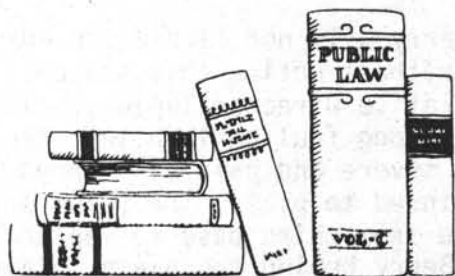
Any court system employee applying for credit or a mortgage who is asked to list an "employer" should specify that inquiries be sent to the Alabama Judicial System, Administrative Office of Courts, 817 South Court Street, Montgomery, AL 36130. Do not use "State of Alabama" or "State Personnel". Only the AOC retains records of your employment. Any other agency cannot certify your earnings.

STATE TELEPHONE SWITCHBOARD

SCHEDULE HAS BEEN CHANGED

Effective immediately the new schedule for the state telephone switchboard will be as follows: (1) Weekends - Operator on duty from 1:00 p.m. until 9:00 p.m. (2) State holidays only - Operators on duty from 8:00 a.m. until 9:00 p.m. (3) Federal and state holidays - Operator on duty from 1:00 p.m. until 9:00 p.m.

LEGAL NOTES

ATTORNEY GENERAL OPINIONS

The Office of the Attorney General has recently released several opinions which are of interest to court officials and employees.

On March 8, 1979, the Attorney General determined that magistrates have the sole responsibility of drafting, wording and signing all arrest warrants under Section 15-7-4, Code of Alabama 1975. The Attorney General also stated that district attorneys and assistant district attorneys should not assist in the interviewing of witnesses for the issuing of an arrest warrant or in the wording or typing of the warrant. This ruling, however, does not prevent district attorneys or assistant district attorneys from interviewing and aiding complaining witnesses in preparing the oath or affidavit to be brought before the magistrate for the purpose of obtaining an arrest warrant.

The Attorney General determined on June 11, 1979, that the garnishment fee (\$9.00) established in Section 12-19-75, Code of Alabama 1975, should be collected at the time the garnishment proceeding is initiated, regardless of the date on which the original case was filed.

In another recent opinion relating to costs, the Attorney General held that the \$5.00 service fee prescribed by Section 12-19-73, Code of Alabama 1975, is a proper charge in a bond forfeiture proceeding.

On May 24, 1979, the Attorney General determined that the Uniform Traffic Citation should be forwarded to the Department of Public Safety by the municipal courts even though the sentence imposed in municipal court for a traffic violation is commuted by the mayor and/or the fines are remitted. An appropriate notation of this fact should be made on the ticket before it is forwarded to the Department of Public Safety.

In response to a question from the Walker County District Judge, the Attorney General found that the county must pay a supplemental salary to the district judge in an amount sufficient to maintain the district judge's salary at the same ratio to the circuit judge's salary as that ratio existed on January 16, 1977. This result is based on Section 12-17-68, Code of Alabama 1975.

Copies of these opinions may be obtained from the AOC.

CANONS OF JUDICIAL ETHICS AMENDED

The Alabama Supreme Court recently adopted an amendment to Canon 6C of the Canons of Judicial Ethics. Canon 6C, which deals generally with the annual filing of a statement of economic interests and a disclosure statement of financial interests with the Clerk of the Supreme Court, now reads as follows:

- C. A judge, at the time he or she takes the oath of office, or a candidate for judicial office, within 10 days after qualifying, shall file as a public document with the clerk of the supreme court a "statement of economic interests" on the form prepared and prescribed by the state ethics commission or its successor and shall disclose his or economic interests as other State officers or candidates are required to disclose by any state ethics law. All judges who have not filed such a statement of economic interests previously shall file the same on

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TAPLEY, TORBERT ON PROGRAM AT ARIZONA CONFERENCE

Chief Justice Torbert and Administrative Director of Courts Allen Tapley have been selected to participate as speakers and panelists on the program of the 1979 Conference of State Chief Justices and Court Administrators which will be held in Flagstaff, Arizona, August 6-8.

Under the topic "Mechanisms Used to Implement Court Policies," the chief justice will discuss "Consensus Building in Personal Relationships." He will then participate on a panel with Robert C. Murphy, chief judge of the Maryland Court of Appeals, and Mr. Loren Hicks, administrative director of the Oregon courts.

Tapley will discuss the mechanics of assumption of state funding of trial courts and participate on a panel with William Bonn, Minnesota state court administrator; James R. James, judicial administrator of the Kansas Supreme Court; and Lawrence C. Harmon, Minnesota's state court administrator.

AOC'S SUMMER PICNIC WAS A CASUALTY AFFAIR

The recent summer picnic and softball extravaganza for the AOC staff at the Maxwell Air Force Base recreation area left the office with both the walking and the unwalking wounded.

In a hard-fought contest to determine the tournament winner, the "No Names," with disproportionate slugging power and fielding finesse, barely eeked out a win over the severely crippled "Cat House Gang." The "Cat House Gang's" starting catcher, Assistant Judicial College Dean Jim Berry, was forced out of action early with a pulled tendon. With a full leg cast which will have to be worn for 12

weeks, Berry will not likely see any additional softball action this season. Administrative Director Tapley, valiantly chasing a long foul ball in left field, suffered severe and painful skinned legs but continued to play. The chief justice, who moved from third base to replace the injured Berry behind the plate, played superb ball and was in great spirits ... until the morning after. Trailing 10-0 in the bottom of the last inning, the "Cat House Gang" went to the bench. Using the slugging power of a trio of pitcher Bob Martin's little leaguers ... Jeff Martin, Jenny Martin and Anton Trimble ... coupled with the hitting of LeAnne and David Tapley and a homerun by the chief justice, the "Cat House Gang" nearly pulled it out of the fire, but lost the struggle 10-8.

JUDGE VANDERHOEF ELECTED MERCER ALUMNI PRESIDENT

District Judge Jerry Vanderhoef of Tusculum has been elected president of the Mercer University Alumni Association. Judge Vanderhoef received his B.A. and Juris Doctor degrees from the university. He is currently a member of the Alumni Association's Executive Committee, the President's Club and the university's Orange Coat Club. He will take office on July 1.

DOTHAN LAWYER RONALD STOREY APPOINTED AS CIRCUIT JUDGE

J. Ronald Storey, Dothan attorney, has been appointed as a circuit judge in the 20th Judicial Circuit by Governor Fob James. Storey succeeds Judge Forrest L. Adams who is retiring July 1.

Storey, 31, has served as a part-time district attorney in the circuit which includes Henry and Houston Counties. He is a graduate of Florida State University Law School and practiced law in Tallahassee before moving to Dothan.



STATE OF THE JUDICIARY

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been ranked as one of the best in the nation by two separate and independent surveys during the past year. The National Center for State Courts has conducted an extensive survey rating state judicial systems against justice standards adopted by the American Bar Association. Of the fifty states and several territories, Alabama's court system was rated as one of the ten best. Additionally, in a recent audit report of the Law Enforcement Assistance Administration, comparing state court systems against both the ABA standards and standards developed by the National Advisory Commission on Criminal Justice, Alabama and Kentucky were cited as having the two best state court systems among the fifty states.

This progress could not have been accomplished without the dedicated service of our court employees, clerks and registers, and judges. It could not have come about without the meaningful support we have received from the Legislative and Executive Departments of State Government. This relationship, based on the long-standing belief in, and dedication to, a separation of powers, must continue in order for our citizens to be adequately served by State Government.

As legislators, you should expect the Judicial Branch of government to be managed in a sensible, efficient, and cost-effective manner. In past years, the administrative function of the judicial system of our State was not properly managed or administered because there was no structure to provide for such management.

Today, we have that structure and we are saving tax dollars with a business-like approach to the management of the system. The 1,400 judges, officials, and employees of the Judicial Branch of State Government, located in 96 different offices across the state, are working in concert to properly administer the trial court operations of Alabama.

We have today a system in which accountability rules --- accountability which demands justification for all expenditures; accountability which requires justification before new judges or personnel are added to the payroll; accountability in managing and moving cases through the courts; accountability in utilizing jurors and witnesses; and perhaps most important, accountability in the service and conduct of your judges.

I would like to review with you briefly the improvements we are making in the State's trial court operations.

Of significant importance has been the development and implementation of a financial system for the courts which consists of revenue and expense accounting in addition to purchasing and budgeting functions. A new bookkeeping system for revenue collection was developed by the Administrative Office of Courts and placed in operation for clerks' and registers' offices in every county. Following full financial assumption of the court system by the State in October 1977, an expense accounting system was implemented to maintain an accurate financial record of all expenditures in each court office in the State. The use of computer technology now allows the Administrative Office of Courts to monitor detailed cost figures for all supplies, equipment, personnel, and other items in each court office. This management tool helps eliminate waste and duplication and provides budget projections that will be both accurate and timely. This expense accounting ability goes far beyond the

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requirements of the State and we are very proud of the job this system is doing to help us monitor expenses and control costs.

We are nearing completion of an inventory of the millions of court records stored in each county courthouse. During the next fiscal year, we will determine which documents are of legal or historical value, and which records are not necessary to retain. The long-range effect of this program will be a savings of tax dollars for county governments which would otherwise have to pay for the cost of high-priced storage space for useless documents. I invite you to inspect the remains of this 1869 docket book which demonstrates the condition in which we have found many court records throughout the State.

As a means of providing more security and control for traffic tickets, a computerized control program has been developed to account for each ticket as it enters the district court system. In addition, a system has been implemented to contact those who fail to appear in court which, when fully operational, could increase court-generated revenues by as much as a half million dollars annually.

Of all expense items, personnel is by far the most costly. It is of utmost importance that the system be able to accurately determine and predict personnel needs. A careful study has been performed in clerks' and registers' offices to determine the tasks performed by employees and the amount of time it takes to carry out these tasks. A formula linked to caseload statistics has been developed

to provide accurate assessment of personnel needs in the system.

The quality of justice in our courts depends to a great degree on the efficiency of the system. But to a greater degree it depends on the competency of the judge. For the most part, judges who assume the bench in our State and in most other jurisdictions are fine attorneys. But generally they have never had any experience in the business of being a judge. One of the foremost duties of our judicial system is to provide our judges with a continuing program of professional education. The more competent the judges and magistrates, the less likely will costly retrials occur because of judicial error. During the past year, we have expanded the continuing education and training program for our State judges and court personnel by developing a judicial college program with the cooperation and financial assistance of the University of Alabama. Through this program we intend to provide our judges, clerks and registers, and employees with the necessary continuing education which will allow them to serve our citizens in a more competent fashion.

Another large expenditure of the system is paying jurors and witnesses. During the past fiscal year, nearly a half million dollars was saved due to improved management of this vital part of the system. Additionally, we now have underway pilot jury management and utilization projects to establish model programs for different size counties so that our jury system, so important to the delivery of justice, will be the best and most cost effective in this country. You enacted into law last year a bill by Senator White to eliminate exemptions from jury service and provided a random method of selecting jurors which ensures that a better cross-section of citizens will be called. During the past year, we have worked with local officials to fully implement this legislation, and we are working to improve the comfort of citizens who are called for this important service.

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STATE OF THE JUDICIARY

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We have a court system in Alabama where justice is administered within a reasonable amount of time. In most circuits, no substantial backlog problems are evident. It is interesting to note that caseloads are increasing at about the rate of inflation, nearly 12 percent, and it is imperative for us to ensure that justice remains a service which can be dispensed without unnecessary delay. During the first five months of 1979, there were 51,500 cases filed in the circuit courts of Alabama, an increase of 12.6 percent over the same period in 1978. In the district courts during the first five months of 1979, 195,000 cases were filed, an increase of 11.1 percent over the same period in 1978. In spite of this substantial increase in case filings, the judges of the circuit courts disposed of 50,225 cases during the first five months of 1979, an increase in dispositions of over 15 percent when compared to the same period in 1978. 195,086 cases were disposed by the district judges of Alabama during the first five months of this year, an increase in dispositions by the district judges of 27 percent over the same period in 1978. It is significant that these figures demonstrate the trial court judges have managed to keep pace in spite of a significant workload increase.

In December of last year, I asked our circuit and district judges to set as their goal the reduction of pending cases. During the first quarter of 1979, 17 circuits and 22 district courts exceeded this goal. On a daily basis, we work with trial court judges to improve management techniques in the docketing of cases and control of cases flowing through their courts. Through

the development of these better management techniques, the number of new judges and court personnel required to handle our increasing caseloads can be held to a minimum.

While the judges of the appellate courts ... the Alabama Supreme Court, the Court of Criminal Appeals, and the Court of Civil Appeals ... also face a continuing caseload increase, they nevertheless are maintaining current dockets. I do not think you will find any court system in this nation, state or federal, where appeals are processed as quickly or as competently as you will find in our system.

While I speak today of an increasing caseload in the courts of nearly 12 percent, I think I should stress that the 1979-80 budget you have passed for the trial courts only contains a 6 percent increase at a time when the rate of inflation is soaring to nearly 13 percent.

As a former member of the Legislature, I know first hand of the tremendous demands placed upon each of you to grant salary adjustments and cost-of-living raises. Competing demands for austere budgets and modest revenue projections make the discharge of your duties difficult. The clerks and registers and the employees of the court system, just as other State employees and teachers, feel the ravages of runaway inflation, and I earnestly solicit your help for cost-of-living adjustments, which at best, will only partially diminish the impact of the current inflationary spiral. Judges, likewise, observe comparable private and governmental officials being paid salaries greatly in excess of their compensation and question, for themselves and their families, the advisability of remaining in public service. In Alabama, we are fortunate that in large measure, the men and women who occupy judicial positions are competent, diligent, and hard working public servants. Last week, I distributed to you a report comparing salaries among the southeastern states which

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STATE OF THE JUDICIARY

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shows that judicial compensation in Alabama is at the bottom of the list. Even when local supplements are included, the average pay of circuit judges in Alabama is nearly 19 percent below their counterparts in the nine southeastern states surrounding Alabama.

It is of concern to me that pay for judicial positions in our State is nearing the point where only the very young or the less competent lawyer will want the job. It is of the utmost importance that competent and experienced people seek the bench and adequate compensation is necessary to attract them.

These people, elected by citizens to be judges, occupy positions essential to our democratic way of life and the order of our society. They decide matters affecting the life, liberty, and property of our citizens and these sensitive decisions must be rendered based upon the law and the facts of each individual case. They decide the custody of your children, the ownership of your land, the amount of money that you pay or receive for a wrong or an injury, and, yes, they decide the life or death of persons charged with crimes.

Our courts and judges were never designed or intended to be popular institutions -- they are not charged with the responsibility of educating our children or healing the sick. Rather, it is their obligation to rule on disputes and controversies between our citizens and decide on the guilt or innocence of people in trouble. Our citizens demand, and those of us in the judicial system recognize, that these decisions must be made fairly, promptly, and on

the basis of law. In regard to matters of compensation, the Judiciary must depend on the wise judgment of those of you in the Legislative Branch.

At this time, we find ourselves in the waning days of the first legislative session of a new administration. Permit me to make reference to legislation now pending before the Legislative Branch of government.

Before you in the House of Representatives is S.B. 229, offered by Senator Albert McDonald. This bill would significantly reduce retirement benefits for any circuit or appellate judge who assumed office following its enactment. Specifically, this legislation would prohibit a justice or a judge from receiving any retirement benefits before reaching the age of sixty. It would require judicial retirement benefits to be computed on a percentage of the final salary of a judge instead of being computed on the pay of active judges. It stipulates that only prior service as a judge may count toward retirement benefits. I support the passage of this legislation which I believe will resolve many of the problems relating to judicial retirement.

Representative Walter Owens has introduced H.B. 843 which would abolish the distinction between moving and nonmoving traffic violations for docket fee purposes. This legislation will resolve some conflicting opinions and will make it more efficient to handle these cases in court. I urge that you act upon this legislation favorably.

Relationships between the state and local government must at all times be fostered in a spirit of cooperation. Because of our joint responsibility to fund and house trial court operations, the relationship between our State Judiciary and county government requires constant attention and communication. During the past two years, the Administrative Office of Courts has tried to reduce county costs in the operation of court services. We are currently working

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with Representatives Curtis Smith and Charles Whatley with respect to legislation which will allow county sheriffs to summon jurors and issue witness subpoenas by mail rather than by personal service. I urge you to consider this legislation favorably because it will have a cost savings impact on county government.

I would also urge you to consider and approve measures by Representative Rick Manley and Senator Finis St. John which will allow counties, at their option, to create and maintain public law libraries. This legislation will also permit us at the State level to assist in providing this needed service in some areas where such service is virtually nonexistent.

Let me say in closing that the Judicial Department of your State Government stands ready to work with both the Legislature and the Governor to help ensure the well being of all of our citizens. The Judicial Branch does not carry the power to appropriate funds as does the Legislative Branch nor does it have the enforcement power of the Executive. The people of this State have historically delegated to the courts the responsibility of maintaining the law and order of our government. Our system is structured and is now implemented to remove the barriers to swift and sure settlement of cases. Some three quarters of a century ago, Roscoe Pound, a great jurist, conducted a study on the popular dissatisfaction in the administration of justice. With optimism and foresight, however, he predicted that in this country -- "We may look forward to a near future when our courts will be swift and certain agents of justice, whose decisions will be acquiesced in and respected by all."

With the dedicated service of our court officials, Pound's dream will continue to be a reality in Alabama.

The cause of justice is served by wise decisions carefully made. This is our ultimate task and I pledge to you and to each Alabamian today our continuing effort to upgrade and hasten justice for all and to do so in the most economical way possible. Our common goal must be the greater good of our State.

* * * * *

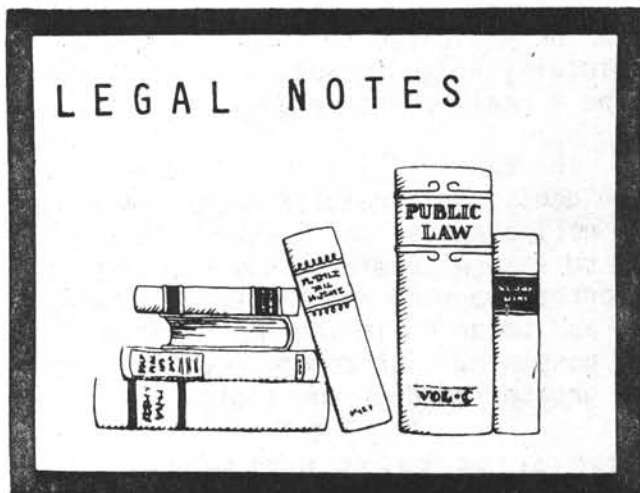
MATERIAL RECEIPTS NECESSARY

FOR ALL PAYMENTS TO VENDORS

The Administrative Office of Courts utilizes two types of material receipts in the accounting operation. These material receipts are used to verify that the court official receives purchased items, and that they are received in satisfactory condition.

One type of material receipt is the one prepared by the AOC and sent to the court official. This material receipt is used when the order for supplies, forms and equipment is made by AOC's purchasing agent. In this case, the invoice is mailed directly to the AOC. The other type of material receipt is the voucher copy (copy #4) of the local purchase order. The court official initiates this order for supplies, forms and equipment on forms provided for local purchasing. The court official will receive an invoice from the vendor when the local purchase order is used. The court official should attach the invoice to the voucher copy of the purchase order, have the material receipt section of the voucher copy of the purchase order signed and forward the invoice and the voucher copy of the purchase order to the AOC.

The material receipt is one of the most important forms within the UJS for two reasons. First, it is necessary before payment can be made to the vendors. Second, it is used to certify that all items being paid for have been received. Material receipts should be given prompt attention by all court officials.



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or before the 30th day of March, 1976. After the original filing of said statement of economic interests a judge shall file a current statement of his economic interests with the clerk of the supreme court on or before the 30th day of April of each year thereafter.

ISSUANCE OF SEARCH WARRANTS - TERRITORIAL LIMITS

"A 'search warrant' is an order in writing in the name of the state signed by a judge or a magistrate authorized by law to issue search warrants, and directed to the sheriff or to any constable of the county, commanding him to search for personal property and bring it before the court issuing the warrant." Code of Alabama 1975, Section 15-5-1.

Under Code of Alabama 1975, Section 12-14-32, municipal judges are authorized to issue search warrants for municipal ordinance violations returnable to the municipal court and for state violations returnable to any state court. Magistrates may issue search warrants if such magistrate is licensed to practice law in Alabama. Code of Alabama 1975, Section 12-17-251.

It appears from the language in Womack v. State, 281 Ala. 499, 205, So.2d 579

(1967), that the determination of the territorial limits within which an issuing officer may authorize a search is controlled by whether or not the magistrate or judge has jurisdiction of the place at which the search is directed. Of course, circuit judges and appellate judges have statewide jurisdiction, whereas magistrates, municipal judges and district judges have limited jurisdiction.

* * * * *

people people

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CHARLES MORRIS APPOINTED

AS COVINGTON DISTRICT JUDGE

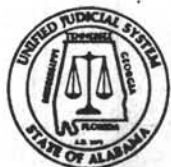
Charles T. Morris, has been named a district judge for Covington County accepting the appointment by Governor Fob James. Morris replaces William H. Baldwin, who recently was appointed to a circuit judgeship in the 22nd Judicial Circuit.

CHIEF JUSTICE NAMED

TO ACADEMY OF HONOR

State Chief Justice C. C. Torbert, Jr., was recently named to the Alabama Academy of Honor. The academy honors outstanding individuals in the state whose contributions have brought credit to Alabama and to those around them. It is restricted to 100 living members and no more than ten persons may be named to the academy per year. Those elected this year, in addition to the chief justice, included: Governor Fob James, House Speaker Joseph C. McCorquodale, Jr., Federal Judge Frank M. Johnson, Jr., former Director of the Alabama Development Office Robert C. Bamberg, Jr., Birmingham Southern College President Dr. Neil R. Berte, U.S. Court of Appeals Judge Walter P. Gewin, Commissioner of Mental Health Taylor Hardin, Rear Admiral Fran McGee, Birmingham industrialist C.P. Rather, Birmingham insurance executive William J. Rushton, III.

ALABAMA JUDICIAL COLLEGE CONTINUING EDUCATION PROGRAMS									
GROUP MONTH	1979					1980			
	CIRCUIT COURT JUDGES	DISTRICT COURT JUDGES	JUVENILE COURT JUDGES	MUNICIPAL COURT JUDGES	CLERKS AND REGISTERS	CLERK/REGISTRAR EMPLOYEES	COURT REPORTERS	JUDICIAL SECRETARIES	OTHER GROUPS
1979 JUNE			REGIONAL SEMINARS CULLMAN, MAY 31-JUN 1 GREENVILLE, JUN 14-15		SUMMER CONFERENCE JOE WHEELER PARK JUN 7-9				
JULY	SUMMER CONFERENCE HUNTSVILLE JUL 18-19							ANNUAL CONFERENCE MONTGOMERY JUL 26-27	
AUGUST						NEW EMPLOYEE ORIENTATION TUSCALOOSA AUG 2-3			
SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA SEP 13-14						ANNUAL CONFERENCE BIRMINGHAM SEP 28-29		APPELLATE CONFERENCE EUFALA SEP 13-14
OCTOBER					REGIONAL SPECIALTY SEMINARS BIRMINGHAM, OCT 4-5 MONTGOMERY, OCT 11-12				
NOVEMBER	PRESIDING JUDGES TUSCALOOSA NOV 15-16								DWI INSTRUCTORS TUSCALOOSA NOV 8-9
DECEMBER			YEAR OF THE CHILD DEC 6-8						
1980 JANUARY	MID-WINTER CONFERENCE MONTGOMERY JAN 17-18								
FEBRUARY					MID-WINTER CONFERENCE BIRMINGHAM FEB 7-8				
MARCH			JUDICIAL SEMINARS TUSCALOOSA MAR 20-21						
APRIL	SPRING JUDICIAL SEMINARS TUSCALOOSA APR 24-25				SPECIALTY SEMINARS TUSCALOOSA APR 3-4				
MAY				ANNUAL CONFERENCE BIRMINGHAM MAY 10-11					
JUNE					SUMMER CONFERENCE GUNTERSVILLE JUN 26-28				
JULY	SUMMER CONFERENCE BIRMINGHAM JUL 16-17							ANNUAL CONFERENCE BIRMINGHAM JUL 10-11	
AUGUST						NEW EMPLOYEE ORIENTATION TUSCALOOSA AUG 7-8			
SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA SEP 25-26								

**COURT NEWS**

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