

COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

Volume 3 / Number 5

May, 1979

ACCORDING TO TORBERT

ALABAMA NOW HAS NETWORK OF 50 DWI REFERRAL SCHOOLS

Chief Justice C. C. Torbert, Jr., has announced that the State of Alabama now has a network of 50 schools for use by traffic court judges to refer defendants who have been arrested on first offenses of driving while intoxicated. Torbert said Alabama is a leader in the nation for this type of innovative program. It is estimated that the program has saved over 100 lives since its inception a few years ago.

Bob Simpson, state coordinator of the program, says two-thirds of the nation's 140 million drivers drink and drive. These drinking drivers are responsible for approximately 30,000 deaths and 2 million injuries each year. Simpson says the DWI Court Referral Program is an educational, interventional and preventative course which attempts to reduce the growing menace of the intoxicated driver.

Simpson says that experience indicates a responsible person, given sufficient factual information, can make a rational decision concerning his or her conduct while operating a motor vehicle on our highways. "Further experience indicates that information filters through those attending DWI classes to the general public and stimulates interest in these important



C. C. TORBERT, JR.

programs," he says.

In 1978, 14,372 persons successfully completed the DWI course in the state. Since the program's inception, a total of 42,113 persons have completed the course.

"If we can effectively educate individual participants in this important court-supported program, we can reduce the loss of human life and the incidence of recidivism among DWI offenders throughout Alabama," Simpson stresses.

Each traffic court judge in Alabama has been furnished a list of all DWI Court Referral Programs in the state. Judges who do not have this list may obtain one by calling Mrs. Helen Gray at the AOC's toll free number, 1-800-392-8077.

INSIDE THIS MONTH - A profile on the state's new prison chief.

ALABAMA JUDICIAL COLLEGE CONTINUING EDUCATION PROGRAMS									
1979									
1980									
GROUP MONTH	CIRCUIT COURT JUDGES	DISTRICT COURT JUDGES	JUVENILE COURT JUDGES	MUNICIPAL COURT JUDGES	CLERKS AND REGISTERS	CLERK/REGISTER EMPLOYEES	COURT REPORTERS	JUDICIAL SECRETARIES	OTHER GROUPS
1979			REGIONAL SEMINARS CULLMAN, MAY 31-JUN 1 GREENVILLE, JUN 14-15		SUMMER CONFERENCE JOE WHEELER PARK JUN 7-9				
JUNE								ANNUAL CONFERENCE MONTGOMERY JUL 26-27	
JULY	SUMMER CONFERENCE HUNTSVILLE JUL 18-19					NEW EMPLOYEE ORIENTATION TUSCALOOSA AUG 2-3			
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SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA SEP 13-14						ANNUAL CONFERENCE BIRMINGHAM SEP 28-29		
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NOVEMBER	PRESIDING JUDGES TUSCALOOSA NOV 15-16								DWI INSTRUCTORS TUSCALOOSA NOV 8-9
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1980									
JANUARY		MID-WINTER CONFERENCE MONTGOMERY JAN 17-18							
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APRIL	SPRING JUDICIAL SEMINARS TUSCALOOSA APR 24-25				SPECIALTY SEMINARS TUSCALOOSA APR 3-4				
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AUGUST						NEW EMPLOYEE ORIENTATION TUSCALOOSA AUG 7-8			
SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA SEP 26-27								

JUDICIAL COLLEGE SETS CALENDAR FOR 1979-80

The Alabama Judicial College is publishing in this edition of Court News the calendar for educational and training sessions for the 1979-80 fiscal year. The College has tried to provide scheduling information as early as possible so judges and court officials may make arrangements to attend well in advance of meeting dates.

The course content for the various seminars has not been selected, but each judge, court official and court employee should mark the calendar now for appropriate sessions. The College anticipates expanding the course options available during the next year.

As many factors as possible were taken into consideration when dates were selected for the new year. Chief Justice C. C. Torbert, Jr., will continue to follow the policy currently in use regarding attendance. He will issue an order for attendance for the appropriate group and the designated participants must request to be excused from attendance as prescribed in Section 12-1-18(b), Code of Alabama 1975.

CLERKS AND REGISTERS

SUMMER CONFERENCE SET

Alabama Court Clerks and Registers Summer Conference is scheduled for June 7-9, 1979, at Joe Wheeler State Park near Florence. The meeting will open on Thursday, June 7, with a keynote address by Chief Justice Torbert.

A discussion of costs and fees with Bill Moman of the Department of Examiners of Public Accounts follows the session with the chief justice.

On Friday, June 8, two panel/group discussions are scheduled. The first panel, comprised of Bobby Green of Blount County, Elizabeth Hamner of Tuscaloosa County and Morris Moatts of Chilton County,

will present ideas relating to small claims. Bond forfeitures will be discussed by the second panel with Bobby Branum of Butler County, William Kynard of Dallas County and Robert Newman of Pike County.

A social and banquet are scheduled for Thursday night. New officers of the association will assume office at the working breakfast on Saturday morning.

JUVENILE COURT JUDGES

SET REGIONAL MEETINGS

The Alabama Judicial College has scheduled two regional seminars for juvenile court judges in June. These meetings will be held at the Holiday Inn in Cullman on May 31-June 1 and at the Holiday Inn in Greenville on June 14-15. Juvenile probation officers have been invited to attend.

A presentation of recent appellate decisions relating to juvenile matters will be made by William J. Sanford, advocacy representative for the Department of Youth Services.

A vital concern of juvenile court judges is transfer to adult court. A video presentation of an actual case will serve as a springboard for this topic. Richard Bentley, assistant district attorney in Montgomery County, and Floyd Minor, a Montgomery attorney, will discuss the various aspects of transfer.

On Friday, group discussions of four timely topics will be conducted. These topics are termination of parental rights, bifurcated hearings, paternity-support, and privacy and confidentiality.

EDUCATION CONFERENCE

FOR SECRETARIES SCHEDULED

The Judicial College has scheduled an educational conference for circuit and district judges' secretaries on July 26-27, at the Ramada Inn South in Montgomery. The secretaries will work to improve their skills in public relations, legal research

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EDUCATION CONFERENCE FOR SECRETARIES SCHEDULED

(Continued from Page 3)

and secretarial techniques. Also included is a business session for the respective associations.

On Thursday, July 26, the group will work with Dr. Don Brown of the Cheaha Mental Health Center on methods to improve the manner in which they work with the public. Dr. Brown will be assisted by Pearle Brown and Stephanie Sizemore. That afternoon, the secretaries will tour the offices of the Administrative Office of Courts to meet the staff and learn the functions of the various divisions.

On Friday morning, July 27, Melinda Mitchell, legal counsel for AOC, will discuss citations and use of legal reference materials. The two groups will then divide to hold round table discussions on techniques, procedures or aids they use in their own offices.

Installation ceremonies for new association officers will be held Thursday night at the Ramada Inn.

JUDGES' SEMINAR WAS DESIGNED TO FIT INDIVIDUAL NEEDS

The Alabama Judicial College offered circuit and district judges an opportunity to plan a seminar to fit the individual's need when fourteen different courses were offered at the College on May 3-4. The spring judicial seminars covered such topics as tort trends, evidentiary problems encountered in trials, medical malpractice, commercial litigation, death penalty, and evictions and detinue. Workshops where judges from small circuits were invited to bring their own problems and another on practical advice were offered to the trial judges. One session discussed preliminary hearings for criminal cases.

The dean of the California Judicial

College, William Keene, explained to the participants the practical aids offered to the trial judge through the California College.

Judge Robert Bradley discussed the Canons of Judicial Ethics and recent opinions, and outstanding judges, attorneys and professors from law schools served as lecturers and discussion leaders.

The Judicial College plans to use a similar format for the fall judicial seminars scheduled for September 13-14 at Farrah Hall in Tuscaloosa.

ACTION PLAN FOR FEDERAL FUNDS OK'D BY LEPA SUPERVISORY BOARD

The 1980 Annual Action Plan for federal funds was approved May 9, 1979, by the Alabama Law Enforcement Planning Agency's State Supervisory Board. This plan is developed annually by the Judicial Planning Committee for the distribution of federal block grant funds. The plan was submitted after input was received from the local courts. It includes funds for equipment, education, and several pilot projects in the use of automated business procedures in court operations. As these projects develop, more details will be reported.

The approval of the Annual Action Plan is final, pending actions of the United States Congress in regard to the budget appropriations for the Law Enforcement Assistance Administration for fiscal year 1980.

JUDGES, COURT OFFICIALS ASKED TO REVIEW CASELOAD REPORTS

The Administrative Office of Courts mailed in April the caseload report for the first quarter of 1979 to circuit and district judges, circuit clerks, registers and district clerks. The report pertaining to your court should be reviewed for its accuracy. If any error is detected, please contact Camille Ashley at the AOC.

people people people people

BILL BALDWIN MOVES TO CIRCUIT BENCH

District Judge William H. "Bill" Baldwin, left in photo, takes the oath of office as circuit judge in the 22nd Judicial Circuit from Circuit Judge Murland Smith. Baldwin will fill the remainder of the term of Judge Ab Powell who recently resigned to re-enter the practice of law in Andalusia. No appointment had been made at press time to fill Baldwin's district judgeship. Baldwin served as district judge since March 1 when he was appointed to replace District Judge Clyde Love.



GREGORY TAKES POSITION AT AOC; MERRILL MOVES

TO MONTGOMERY CIRCUIT COURT

Frank Gregory, court administrator for the 15th Judicial Circuit, has been named assistant director for planning, research and development at the Administrative Office of Courts, and Bob Merrill, the AOC's senior caseload management analyst, will replace Gregory in the Montgomery circuit.

These changes were announced recently by Montgomery's Presiding Judge Perry Hooper and Administrative Director of Courts Allen Tapley.

In his new position, Gregory will supervise the court planning staff; work toward long-range planning and development for the state's judicial system and implement plans to coordinate relationships and solve problems among component groups within the judicial system and other organizations and governmental units which impact on the courts. "Frank brings with him good expe-

rience and insight gained through his work as a court administrator in one of the state's larger and more efficient circuits," Tapley said.

"Regretfully," Tapley added, "we did not gain Frank's services for the statewide system without a sacrifice. Bob Merrill's full-time expertise in the area of caseload management will be missed, but we plan to continue to use his abilities in this field on a part-time basis."

FORT PAYNE'S HAWKINS

RETIRES AS CIRCUIT JUDGE

Circuit Judge W. G. Hawkins of the 9th Judicial Circuit, Fort Payne, announced recently he would retire from the circuit's bench. An appointment to fill the remainder of the judge's term had not been made at press time.

Judge Hawkins submitted his retirement application to Chief Justice Torbert on May 11. The Chief Justice lauded the Fort Payne jurist for his years of service in the court system for the people of DeKalb and Cherokee Counties.

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THREE STATE JURISTS ARE ON LIST SUBMITTED TO FILL FEDERAL JUDGESHIPS

Three members of the Alabama judiciary -- two appellate judges and one circuit judge -- were among the 18 names submitted recently to U. S. Senators Howell Heflin and Donald Stewart for appointment to five federal district judge positions in the state. The list was selected by the Alabama Federal Judicial Nominating Commission.



EMBRY

Appeals, and Circuit Judge Marvin Cherner of Birmingham.

Nominees for the three positions to be filled in the Northern District are: Maria Campbell of Birmingham; Jefferson County Circuit Judge Marvin Cherner of Birmingham; State Sen. U. W. Clemon of Birmingham; Camille Cook of Tuscaloosa, associate dean of the University of Alabama School of Law; Mason Davis of Birmingham; Alabama Supreme Court Justice Eric Embry of Birmingham; Jefferson County Commissioner Ben Erdreich of Birmingham; Clifford Fulford of Birmingham; E. B. Haltom, Jr., of Florence; Robert B. Propst of Anniston; Hugh W. Roberts, Jr., of Tuscaloosa; and Lynwood Smith, Jr., of Huntsville.



HOLMES

Nominees for the two positions in the Middle District are: David Bryne, Jr., of Montgomery; Fred Gray of Tuskegee; Truman Hobbs of Montgomery; Civil Appeals Court Judge Richard Holmes of Montgomery; Samuel Kauffman of Montgomery; and Charles Price of Montgomery.

LEE DISTRICT JUDGE

LAUDED BY P & S CHIEF

Lee County District Judge Noel Baker has received the plaudits of Pensions and Security Commissioner Gary Cooper.

In a letter to Baker, Cooper cited what he termed as the judge's "strong enforcement of support obligations in helping make the Lee County Child Support Program a success." Cooper said support payments in Lee County increased from \$3,780 in March of 1978 to \$8,386 in March of 1979. "You helped make the difference," he wrote Judge Baker.

... AND IN MONTGOMERY

IT WAS PAY UP OR GO TO JAIL

Meanwhile, District Judge Joseph N. Poole, III, of Greenville, who was sitting in Montgomery District Court, was telling persons behind in child support payments to pay up or spend some time in the "clinker."

Needless to say, this was successful persuasion.

JUDGES HIT

SPEAKING CIRCUIT

Law Day and graduation exercises are popular speaking occasions for state judges. Presiding Judge L. Charles Wright of the State Court of Civil Appeals recently addressed Law Day ceremonies in Mobile. Justice James N. Bloodworth of

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people people people people



STATE SUPERSTARS "TAKE IT ON THE CHIN"

An unnamed clerk's office source said the judges should have stayed on the bench. The judges said the rest of the team should have stayed home. Except that the Heart Foundation benefitted, perhaps both were right since the Madison County Commissioners' team "whomped" the Judges' State Superstars 24-2 recently in Huntsville. In the interest of showing their faces rather than their prowess on the softball field, Court News is using the above photo. The cheerleaders, kneeling from left to right, are: Fran Young, Mary Jo Franklin, Marilyn Michael, Ann Wheeler, Edith Tomblin, Lynn Mitchell, Sandy Parker and Jane Smith. The "team", standing from left to right are: Ron Rosen, Dovie McCollum, John Branum, Judge S. A. Watson, Judge John W. Green, Betty Robinson, David Rogers, Don Keeton, John Hughes, Billy Harbin, Tommy Cheatam, Gary Stephens, Monroe Nunley, M. J. Kelly, Judge Bill Paige and Judge Hartwell Lutz.

JUDGES HIT

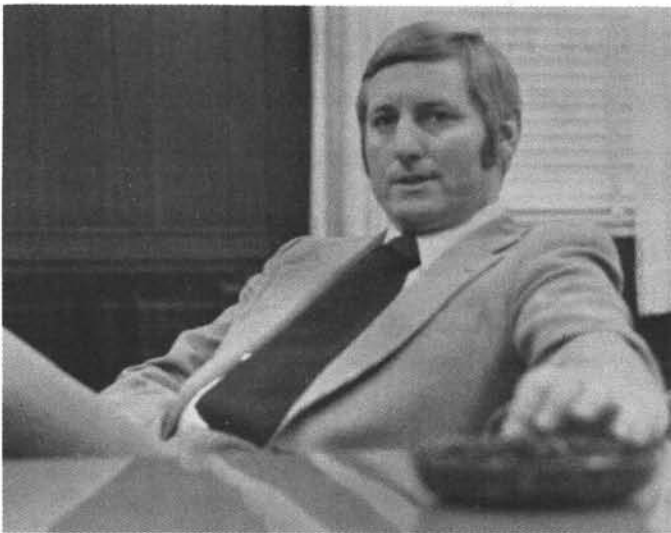
SPEAKING CIRCUIT

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The State Supreme Court spoke on May 5th at Athens College's Alumni Weekend; Justice Janie Shores addressed a Women's Week gathering at the University of Montevallo in April; Justice Sam Beatty spoke to a

Student Conference on American Government at Jacksonville State on May 4th, and Chief Justice Torbert opened the Law Week observance at the University of Alabama in early April.

Justice Reneau Almon addressed the graduation class at Cumberland Law School and the chief justice spoke at Macon Academy's graduation exercises during the month of May.



ROBERT G. BRITTON

PROFILE:

THE STATE'S NEW PRISON

COMMISSIONER - ROBERT BRITTON

Robert G. Britton was appointed by Gov. Fob James as commissioner of the Alabama prison system on April 2, 1979. The 38-year-old Grand Prairie, Texas, native is a nine-year veteran of the Texas prison system. He began his career as a correctional officer in 1963. The next year he became building lieutenant of the Ellis Unit in Huntsville, Texas, and from 1965-70, served the Unit in Ferguson as education director and recreational director. In 1970, he became coordinator in charge of the academic school, placement and testing of inmates, college program, pre-release, vocational training, religious activities, public relations, counseling and medical program.

Britton began working for the Arkansas Department of Correction in 1971 as superintendent in charge of the entire operation of the Tucker Unit. He held this position until 1977 when he was promoted to assistant director for administrative services. He supervised various departments, including fiscal, budget, accounting, purchasing, personnel, central warehouse, communication equipment, and training and transportation. Britton's last position with the Arkansas Department

of Correction was as assistant director of special services.

Britton and his wife, Dolly, are 1959 graduates of Grand Prairie High School and have two children, Bobby, 11, and Gayla, 14. The couple are graduates of Sam Houston State University.

PRISON TOUR PROGRAM

FOR JUDGES ESTABLISHED

BY PRISON COMMISSIONER

The Alabama Judicial College, in conjunction with the new prison commissioner, R. G. Britton, has established a prison tour program for trial judges.

Some judges have already taken advantage of this program and have complimented the Board of Corrections for their cooperation and interest in conducting the program. Under the guidance of Ms. Laura Wool, the Board of Corrections will provide a guided tour through any prison in the state.

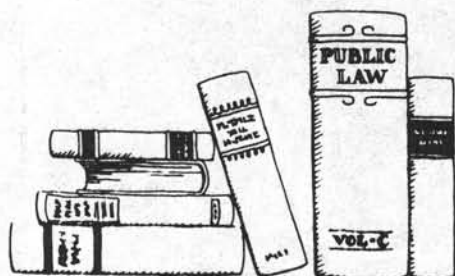
Anyone connected with the Criminal Justice System and particularly judges who impose sentences should be aware of Alabama prisons and their programs, as well as their problems.

"It is hoped that this cooperative effort will develop lines of communication between the courts and the Board of Corrections," Circuit Judge Joe Phelps of Montgomery said.

Commissioner Britton has evidenced an awareness of the problems that judges have with sentences and parole, according to Phelps. Phelps said the commissioner is a conscientious professional who wants to work with the courts in every way that he can and has assigned one of his top professional assistants, Laura Wool, to coordinate the prison tour program.

Judges who wish to arrange prison tours should contact Ms. Wool at 832-6800 in Montgomery, or Thelma Braswell in Tuscaloosa.

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

In response to a question from the clerk of the Etowah County Jury Commission the Attorney General determined that juror qualification questionnaires are public records and, therefore, are subject to scrutiny by persons who request to see them.

The Attorney General has also recently discussed payment of sheriff's costs in execution proceedings. In an opinion addressed to the Commissioner of Revenue, the Attorney General stated that a sheriff who incurs actual costs in carrying out his duties under an execution issued by a department of government, a court or other authorized entity, may collect his costs out of the proceeds of the sale of property and remit the net to the proper entity.

PAYMENT OF COURT-APPOINTED COUNSEL
IN JUVENILE CASES

In Lewis v. Hitt, S.C. 78-117, released May 11, 1979, the Alabama Supreme Court held that individual counties are responsible for payment of attorney fees incurred by indigent defendants in juvenile proceedings. Copies of this opinion may be obtained by contacting Melinda Mitchell at the Administrative Office of Courts.

RULES OF JUDICIAL ADMINISTRATION
AMENDED

Following a request by the Administrative Office of Courts, the Alabama Supreme Court Standing Committee on Rules of Judicial Administration recently recommended to the Supreme Court that Rule 4(H), Rules of Judicial Administration, be amended to delete the current requirement that clerks and registers close their books on September 25th each year. The Supreme Court subsequently considered this recommendation and, on May 10, 1979, Rule 4(H) was amended to read as follows:

(H) The clerk and register shall, periodically, but in no event less than once a month, not later than the tenth day of each month, remit all fines, forfeitures and costs of court, including prepaid docket fees, to the official designated to receive such at the municipal, county and state level, as provided by law or rule.

Clerks and registers may now close their books in September as they do every other month of the year; that is, not later than the tenth day of each month.

* * * * *

MUNICIPAL JUDGES ELECT

JAMES GARRETT PRESIDENT

James S. Garrett of Vestavia Hills Municipal Court was elected president of the State Municipal Judges' Association at the Annual Municipal Judges' Conference in Huntsville, May 12-13. The training and educational meeting was held in conjunction with the annual conference of the Alabama League of Municipalities and was sponsored jointly by the League, Administrative Office of Courts and Alabama Judicial College. New officers of the Municipal Judges' Association

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*JIMMIE BLACK IS THE "OLD PRO"
With daughter, Gay-Lynn, and son, David*



*MOTHER-DAUGHTER REPORTERS
Betty Barksdale with daughter, Beth Parsons*

COURT REPORTING:

A PROFESSION TURNED

FAMILY AFFAIR IN TUSCALOOSA

Court reporting is a profession turned family affair in Tuscaloosa. Four of the five circuit judges employ reporters who have families involved with them in the profession.

Carolyn Williams, court reporter for Judge Louis Lackey, is the only official court reporter in the courthouse who has not had a child to follow in her professional footsteps.

Jimmie Black, official reporter for Judge Fred Nicol, has two children who are trained court reporters. His son, David, is official reporter for Judge Claude Harris, Jr., and his daughter, Gay-Lynn, is a freelance reporter.

Another reporter, Paul Smith, who works with Judge Jerry Baird's court, has two daughters entering the profession. Elise will officially graduate from the School of Court Reporting at Gadsden State

Junior College on June 2 and Cynthia is completing her first school year of court reporting at Gadsden State.

What attraction does the profession hold? Some of the older generation admit they don't know why their children opted for the work which is highly complex, demanding, exacting and exhausting. Interestingly enough, while the children were very positive about their choice of professions, the parents only went into court reporting after trying other work.

Paul Smith probably made the greatest transition - moving from the state as a professional opera singer to the courtroom as an official court reporter. He sang with the Dallas Civic Opera for five years, performing with such notables as Joan Sutherland, Maria Callas and Patrice Munsel.

"It was so insecure, so erratic. It was too tiring, too demanding. I had to get into something more stable, not so seasonal," Paul says.

Smith returned to Tuscaloosa in 1968. Since that time, he has been active at

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COURT REPORTING:**A PROFESSION TURNED****FAMILY AFFAIR IN TUSCALOOSA**

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both state and national levels in professional associations. He is a past president of the Alabama Shorthand Reporters Association and is president-elect of the organization again for 1979-80.

Jimmie Black also took the long way around before ending up in the courtroom. "I took accounting at a business college which had a separate division for court reporting," the Texas native explained. After completing the business course, he worked for the FBI, an oil company, and managed a Montgomery Ward store in New Mexico. "I saw the lady who ran the school I had attended and she asked about teaching me court reporting. I didn't even know at the time what a court reporter did," he said. He has been a court reporter for the past 29 years.

David Black, a court reporter the last two years for Judge Harris, freelanced with his father prior to accepting his current position. David attended the University of Alabama, majoring in city and urban planning. But before receiving his degree, he headed to Texas to train as a court reporter. He completed the two-year course in just over a year. His sister, Gay-Lynn, beat his record. She finished in seven months.

"David is a good reporter, but Gay-Lynn is one of the best I have ever come across. Her diploma has a grade of 100 marked on it," Black said of his two children's aptitude in the profession.

Elise Smith will graduate in June from Gadsden State. She has been named the outstanding court reporting graduate for 1979. Since enrolling, Elise has maintained an all-A record and has been on the Dean's List each semester.

"I wanted law, but I didn't want to go to school that long," she said of her

choice of work. "With court reporting, you get law, but quicker, and a lot of other professions such as engineering, forensic medicine, and you meet a lot of people."

Also representing the Smith family at Gadsden State is Cynthia. She is finishing her first year in the court reporting school.

Beth Parsons received her degree from the University of Alabama in special education and taught four years in the classroom before choosing to follow her mother's, Betty Barksdale's, line of work. Giving up her teaching, she went to a court reporting school in Fort Lauderdale, spending ten hours a day for three months working on the use of the machine. "Then I came back and worked at Gadsden State building my speed," Beth said. Now she does freelance court reporting in Tuscaloosa and West Alabama. Beth says she is totally pleased with her work and "wouldn't change for the world."

(This article and photos excerpted from The Tuscaloosa News.)

APPRECIATION IS EXPRESSED**TO CALHOUN, CLEBURNE JUDGES**

The DWI school director for Calhoun and Cleburne Counties, Kelly Price, hosted a luncheon on May 10th for the judges utilizing his program. Price expressed appreciation for the excellent support given the DWI school in Anniston. A special plaque was presented to former municipal judge Marvin (Hank) Watson for his assistance in getting the program started.

Those attending the luncheon were: Price; Bob Simpson, state coordinator of referral programs in Alabama; Lamar Denkins, education director, Mental Health Board, Inc.; Richard Cater, municipal judge, Anniston; Ed Harwell, municipal judge, Oxford; Nathaniel D. Owens, district judge, Calhoun and Cleburne Counties; Jim Sides, municipal judge, Jacksonville; Wayne Love, municipal judge, Weaver; and police Lt. William Brooks.

NEWS CLIPS

FROM THE STATE PRESS

City court system to be state model

When Alabama Municipal Judges convene in Huntsville May 12 and 13, they'll be taking a good look at the Sylacauga Municipal Court System.

Sylacauga officials have been notified that the staff of the Administrative Office of Courts will speak on the Sylacauga system and provide examples of the efficient manner in which the system is set up and handled administratively.

Tom Ogletree, Sylacauga's prosecuting attorney, said Monday that much of the credit must go to Court Clerk and City Magistrate Rebecca Gilliland. "These guys are looking at our record keeping system, the paperwork end of it mostly and Becky has handled that well. It is due mostly to her diligence and attention to the job that these improvements have come about."

Ogletree said he believed the Sylacauga system was operating the way a court should be operated.

The conference will be held at the Huntsville Hilton and is sponsored by the League of Municipalities and the Alabama Judicial College.

Murray McCluskey, who serves as the Sylacauga Court's public defender, considers the occasion a singular honor for the

city. "It comes at a time when courts are being ridiculed and bad mouthed so bad. I think it's good and says that we're getting justice down there. Becky's doing a good job on the paperwork down there and has just done an outstanding job down there period."

McCluskey also had praise for City Judge Barry Vaughn. He said that Vaughn is also doing an outstanding job in spite of his heavy work load.

"We've got a good court system, and it's one the whole city can be proud of," McCluskey said.

Some areas are not as fortunate as Sylacauga in that the city has a public defender and prosecutor. In some areas, the judge has to preside and prosecute.

Revenues in the Sylacauga Municipal Court System have risen dramatically since last year. The court recently adopted a procedure that will allow for bond forfeitures. It has been most effective in getting fines paid that might have been lost in past years.

THE SYLACAUGA NEWS



Pat Kirkland, Secretary to President Circuit Judge John B. Tally, has been appointed as a committee member of the Judicial Planning Committee by Mr. Allen Tapley, Administrative Director of Courts and assistant to Chief Justice C.C. "Bo" Torbert. The committee will meet at designated times to discuss ways to improve our State Court System.

THE SAND MOUNTAIN NEWS

Alabama Supreme Court To Hold Session on Tuskegee Campus

The Alabama Supreme Court has scheduled a session on the Tuskegee Institute Campus for April 20, 1979. The session will be held at the school's Logan Hall.

Institute President, Luther H. Foster, invited the highest ranking Alabama Court and received acceptance in March.

Foster, said that he felt that this experience will be one of great significance to both the college and the student body and that interested persons will gain something rarely seen by the general public.

The event is part of the Centennial Era observance, in 1981 the college will celebrate 100 years of service to the educational community.

The college was founded in 1881 by Booker T. Washington and throughout the years more than 70,000 students have graduated from the predominantly Black college.

ACE NEWS

NEWS CLIPS

FROM THE STATE PRESS

Jurors May Call New Phone Line

Madison County's new after-hours telephone number is available today for witnesses subpoenaed for Circuit Court cases next week.

Witnesses in cases on next week's docket can call 536-3441 until 8 a.m. Monday to hear a tape-recorded summary of criminal and civil circuit court cases no longer set for trial during the week.

The Code-A-Phone system is intended to eliminate inconvenience to witnesses who show up for court only to be told their case has been settled or postponed.

The system, also in use in Montgomery, costs \$800 a year and is being funded by the Alabama Department of Court Management, according to Madison County Circuit Clerk Billy Harbin.

HUNTSVILLE TIMES



TALKING--Miss Laura Chapman and Mrs. Milton Spivey of Geneva talk with C.C. (Bo) Torbert, chief Justice of the Alabama State Supreme Court. Mr. Torbert was guest speaker at the Dothan District, United Methodist Church, laity meeting in Dothan, recently.

THE GENEVA COUNTY REAPER

2 records set in court

By DORIS FLORA
News Staff Writer

Two records were set in Tuscaloosa County Circuit Court this morning: one when all jurors expected showed up for the 9 a.m. roll call, and another with five juries expected to be selected and considering cases on the first day of jury week.

Circuit Court Judge Jerry Baird and Circuit Clerk Doris Turner both viewed it as a record when all 105 prospective jurors expected showed up on time for the beginning of court week.

Court officials view as another first the prospect of having five juries empaneled in five different cases on the first day of court.

Three juries had been selected by 11:30 a.m. with the remaining prospective jurors expected to be selected for two additional cases shortly after lunch.

Normally only four circuit courts are in session during court week, however Judge Cecil Strawbridge, a supernumerary judge from Vernon, is here this week to assist Tuscaloosa County Circuit Judge Fred Nicol with the civil court docket.

Due to a backlog of criminal cases, three local circuit judges, rather than two as normal, will be handling the criminal court docket. Cases were expected to be heard, starting today, under Judge Baird, Judge Joseph Colquitt and Judge Claude Harris Jr.

Commenting on the "exceptional" turnout of prospective jurors, Baird said it was due to the "new system" of selection put into effect Dec. 31, 1978.

Mrs. Turner explained that earlier in the fall 5,000 questionnaires were sent out to local residents. Of that number some 1,800 questionnaires were returned and those names added to the master roll of prospective jurors.

Under the old system, she said we "we might have as many as 20 jurors not show up due to changes in address and their not receiving notification."

All the present list has current addresses, she said.

She and Baird both said the turnout of prospective

jurors "has gotten progressively better since the first jury was called under the new system for Jan. 22."

They pointed out that the current number was needed with five judges holding court.

Baird said the new legislation passed by the 1978 legislature "removing all exemptions" is also playing an important part in the jury roll.

Under the new law, "no qualified prospective juror is exempt," while in the past exemptions had been made for teachers, doctors, lawyers, National Guard members, interstate bus drivers, riverboat captains, etc. Even those over 65 could be exempt if they requested it.

TUSCALOOSA NEWS

MUNICIPAL JUDGES ELECT**JAMES GARRETT PRESIDENT**

(Continued from Page 9)

are: Judge Garrett, president; Judge William Willard of Gadsden, first vice president; Judge John Coggins of Centre, second vice president; and Judge Larry Ward of Childersburg, secretary-treasurer.

Associate Justice James N. Bloodworth delivered an informative speech on search and seizure to approximately 40 judges. Other subjects discussed during the conference included: constitutional revision; appointment of counsel; indigency, sentencing, appeals; contempt power, bond forfeiture; and the new criminal code. The judges participated in a mock trial which included a number of items which had been topics of discussion by the various speakers during the conference. Also, the Administrative Office of Courts presented a recommendation for "A Model Filing System in Municipal Courts." For more information concerning the model system, contact Angelo Trimble or Rebecca Bentley, AOC, 1-800-392-8077.

DPS, AOC REQUEST**ACCURATE NUMBERS ON UTC'S**

The Department of Public Safety and UTC Control at AOC ask for continued assistance of courts in correcting UTC problems in the following areas:

Some courts are using improper court ORI numbers on the Court Record portion of the UTC. It may be helpful to note that municipal court ORI's end in the number 1 and district court ORI's end in the number 3. Court clerks desiring to verify the ORI number for a particular court may call Mrs. Jean Holcomb, UTC Control, at 1-800-392-8077, ext. 248.

When corrections need to be made on a UTC that has already been sent to Public Safety, be sure to send xerox copies of both the front and back of the UTC. A correction cannot be made if only one side

is sent to the Department of Public Safety.

The margin to the left of the Description of Offense section on the front of the ticket is to be used by the Department of Public Safety for indicating the microfilm number. Court clerks and law enforcement personnel are asked not to write in that area.

STATE'S TRAFFIC**FATALITIES DOWN**

Alabama has experienced an overall decrease in traffic fatalities during the first four months of 1979 compared with the same period in 1978, according to a National Highway Traffic Safety Administration (NHTSA) report. The number of traffic deaths recorded for the period January through April is 296, compared with 307 for the same period last year. This is a decrease of 11 fatalities (1%) and is the second largest decrease in NHTSA's Region Four.

CAMERA-READY COPIES**OF REVISED FORMS READY**

Camera-ready copies of revised forms are now available. Court officials may have local printers contact Myra Baker at the AOC to obtain these camera-ready copies in order to print new forms. Before ordering any forms, please note that some form numbers have changed. Each clerk and register will be mailed a list of new forms with notations of new form numbers and any actions taken on old forms. Any other offices that order forms are asked to check with the clerk's or register's office to review this list to verify form numbers before ordering.

ORDERS MAY BE PLACED**FOR SMALL CLAIMS HANDBOOKS**

It is anticipated that the small claims handbooks will be ready for distribution in June. Please phone in the number of handbooks that your court will need through September 30, 1979, to Myra Baker at the AOC.



THE FACE IN THE WINDOW

While many may doubt the origin of "the face in the courthouse window" in Pickens County, there is no one to contradict the story of the old black man who was positive the face was that of Henry Wells.

After all, Henry Wells did burn the courthouse at Carrollton which stood where this one now stands. It was on November 16, 1876, on Thursday morning. He was arrested two years later and died in jail in Carrollton in February, 1878, from the effects of wounds received while attempting to escape. It was in that same month that the courthouse windows were put in place. But, you ask, what has that to do with the face in the window?

It is a strange thing that repetition without contradiction often comes to be taken as truth, and in this case a story has been so often repeated that it is here set down, at least as partly true. So draw near and we will tell it to you as it was told to us.

It is said that when Henry Wells was brought back to Carrollton, the citizens of the county were greatly enraged, for he was suspected of other and more serious crimes than that of burning a courthouse. To save him from the outraged mob, Henry was hidden in the garret of the new courthouse. It was then that an electric storm passed over -- just when Henry was looking down in terror upon those gathered in the square below -- and Henry's face was stamped as indelibly

upon that pane as though a photographer had opened his lens and caught the likeness. Whether it is a good likeness of Henry or not may be a matter of some dispute, but it certainly pictures all the emotions the unfortunate black man must have experienced -- horror, sorrow, and pain.

And some people say that on stormy nights when the wind makes wierd noises around the eaves of the courthouse, one can see by the glare of the lightning the ghost of Henry Wells peering out the garret window.

Through all the years, in spite of hail and storm which destroyed all the other windows, this particular pane with its striking image remains. It has been scrubbed with soap and rubbed with gasoline by those who doubt its permanence, but it has met every test and the face remains unchanged. At close range, it is as other panes in the sash, clear and flawless. It has been viewed from the ground -- viewed from the spot where once gathered an angry mob -- that the face can be clearly seen.

Seeing is believing.

PROCEDURES OUTLINED

TO CANCEL DEDUCTIONS

Some confusion has resulted from an article in the April Court News regarding payroll deduction cancellations and the use of the cancellation form (FIS 37).

This form is to be used when canceling certain deductions made as a convenience to the employee, for example, life, cancer or accident insurance, dues or contributions:

(1) To cancel Blue Cross family coverage, a new enrollment card must be forwarded to the personnel division at 817 South Court Street, indicating "drop dependents" and "individual only".

(2) Deferred compensation deductions must be cancelled by contacting the PEBSCO office at 3911 Fain Court in Montgomery.

GENERAL FUND BUDGET PASSES LEGISLATURE: SENATE OK'S PAY RAISE

The State Senate passed the general fund budget and sent it to the governor without amendment last Thursday.

The budget bill, which contains all appropriations for the state's judicial department, had already cleared the House of Representatives without amendments adding additional appropriations.

The bill contains budget amounts for the court system as requested by the Chief Justice.

Also on Thursday the Senate passed and sent to the House Sen. Bobby Denton's seven-and-a-half percent cost-of-living pay raise for state employees. The Tuscumbia senator was successful in offering his bill as a substitute for a bill by Sen. Bishop Barron of Montgomery which would have provided a smaller percentage increase. Sen. Denton then amended his substitute bill to include state clerks and registers in the pay increase. Judges were not included in the pay raise bill.

The budget bill carried the following appropriations for the judicial department:

Trial court operations in the amount of \$28,409,638. Supreme Court and State Law Library in the amount of \$1,648,576. Court of Criminal Appeals, \$599,375. Court of Civil Appeals, \$414,185. State Judicial Inquiry Commission, \$53,000.

Chief Justice Torbert appeared

before the Senate Rules Committee last Thursday in support of pay increases for judges, clerks and registers and other court officials and employees. Citing recent judicial resignations by judges to re-enter the private practice of law and the refusal of lawyers to accept appointment to judicial positions because of low salaries, the chief justice urged senators to appoint an ad hoc committee to study judicial salaries more closely before acting on the report of the Judicial Compensation Commission. The commission's report remains in committee in both the Senate and House.

Torbert told the committee that he was well aware of the budget constraints with which the Legislature is faced, but that he was also aware of the ravages of inflation which are affecting judges, court officials and employees. "We all have to pay the same price for bacon," he said.

NEW SENATE BILLS INTRODUCED

SB 371 by Higginbotham provides that 65 percent of punitive damages awarded in civil actions go to the state general fund for indigent defense. SB 372 by Higginbotham to abolish the scintilla rule. SB 374 by Parsons to provide a pay increase for sworn law officers, including bailiffs. SB 381 by Mitchem to add a district judge in Marshall County.

NEW HOUSE BILLS INTRODUCED

HB 563 by Turner authorizing the Washington County Commission to grant or repeal an expense allowance for the circuit clerk. HB 570 by Owens which would provide for a one-strike jury system.

LAW AWARENESS PROGRAM

IN MONTGOMERY SCHOOLS

INVOLVES JUDGES, LAWYERS

For the second year, junior and senior high schools in Montgomery County have been involved in a program of law awareness. Lanier High School and Goodwyn Junior High School were declared winners of the 1979 law awareness competition in Montgomery public schools and will each receive \$500 cash awards in separate ceremonies to be held this month.

The two schools were selected as winners by a panel of five judges because of the extent of student participation and the quality and outreach of the activities they had in their programs. All activities were designed to make students more aware of the law and more appreciative of the role it plays in their lives.

The law awareness program was conceived by several Montgomery citizens who recognized a dire need among young people to know more about law as it relates to crime. Circuit Judge Joseph Phelps and Board of Education members Nellie C. Weil and Foster Goodwin met to discuss the problem and to consider solutions. Circuit Judge Randall Thomas joined them in their efforts. The group held additional meetings with students, school principals and others concerned with law enforcement including District Attorney Jimmy Evans, Mayor Emory Folmar, and Police Chief Charles Swindall, as well as other members of the local judiciary. The consensus was that young people themselves have the greatest impact on young people. Thus, the law awareness program as it now exists was initiated. The cash awards, made possible through the efforts of Judge Phelps, provide added incentive to school groups.

Components of the law awareness program in which Montgomery judges, bar association and community become directly involved include:

(1) The Liberty Bell Oratorical Contest in which students from all senior high

schools compete in giving a 3-5 minute talk on a law-related subject. The winner receives a letter of commendation from Chief Justice C. C. Torbert, Jr., and a \$500 scholarship. The winner serves also as the speaker for the bar association's Law Day banquet.

(2) All eighth grade students visit the Montgomery County courthouse to observe court in session, to talk with Judge Thomas and to hear selected prisoners talk about their lives.

(3) Law Day observance by all junior and senior high schools, designed to "foster respect for law and understanding of its essential role in the life of every Citizen of the United States".

(4) A "Speakers' Program" in which members of the judiciary and bar association make themselves available to serve as speakers throughout the year.

Three unique features of the program at Lanier were a crime prevention film prepared by the students; a poster contest which culminated in posters being placed throughout the community; and a crime survey and reporting system, which resulted in a reduction of the number of criminal incidents in the school parking lot from 6.5 per month to one per month.

At Goodwyn, the junior high students had social studies projects in law awareness, bulletin boards, cartoon contests, term papers, and lectures on drug abuse. They created a slide presentation and showed it to pre-school programs around the city. With assistance from their teachers, they developed an elective course in law awareness which is now under consideration by the school curriculum committee.

Judges for the law awareness program this year were: Angelo Trimble, AOC; Anna Kennedy, retired Montgomery public school teacher; Jack Pickett, education officer, Maxwell and Gunter Air Force Bases; Doris Jean Peak, vice president of the County PTA Council; and Jo Ann Shum, PTA Council president.

**COURT NEWS**

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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