

COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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COMPLIMENTS LAWMAKERS

CHIEF JUSTICE SAYS '80 LEGISLATIVE SESSION PRODUCTIVE FOR JUDICIARY

Chief Justice C.C. Torbert Jr. says the recently-concluded legislative session was a productive one for the Alabama Judicial System.

In a statement issued this week, Torbert complimented the legislature for what he termed "a successful session which produced some significant legislation to benefit the people of Alabama."

In a letter to members of the House and Senate, Torbert told the lawmakers: "on behalf of our court system, I appreciate your support and efforts in providing adequate appropriations for the 1980-81 fiscal year. You passed into law several bills proposed by the Administrative Office of Courts and the Permanent Study Commission on the judicial system to further improve the operation of our court system. Additionally, you addressed the matter of compensation for judges, clerks and registers and court system employees in these times of escalating inflation."

Torbert says that respect and mutual cooperation which exists between the judiciary and the legislative and executive branches of government in Alabama enables the court system to continue to provide effective and efficient judicial services to the people of Alabama.

The legislature approved judicial system appropriations as follows: Trial Courts, \$30,442,834; Supreme



*HOUSE OF REPRESENTATIVES AT WORK...
during 1980 regular session.*

Court, \$1,858,949; Court of Criminal Appeals, \$683,989; Court of Civil Appeals, \$458,497; Judicial Inquiry Commission, \$61,522.

These budget figures represent substantially the same level of funding for 1980-81 that was appropriated to the state's judiciary for the current fiscal year.

A cost-of-living raise of 7.5 percent was approved for all state employees beginning Oct. 1. However, in providing for this across-the-board raise, the legislature, in House Bill 571, placed a limit of 2.5 percent on the amount that any employee can receive in the form of a step raise during the 1980-81 fiscal year. This means that no employee's salary can be increased more than 10 percent during the 1980-81 fiscal year by virtue of the cost-of-living

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MASTER JURY BOXES TO BE EMPTIED, REFILLED BY DECEMBER OF THIS YEAR

Section 12-16-58, Code of Alabama, 1975, requires that the master jury box be emptied and refilled in December of each even-numbered year. All local jury commissions should now be making preparations for the refilling of the master jury box to be completed by December, 1980.

To refill the box, jury commissions should first determine the status of the present master list which was compiled in 1978. Section 12-16-57 requires that the master list be compiled only once every four years; however, commissions may choose to recompile the list this year in order to improve qualification and summoning yields for the next two-year qualification period.

Source lists, based on quality (ability to provide accurate names and addresses) and eligible population coverage, are recommended in the following order: drivers license list; voter registration list; motor vehicle list; other lists such as property owners, utilities, city directories, etc.

When choosing source lists, it is important to select carefully, remembering that merging more lists than necessary is expensive and time-consuming while few valid unique names are added with each additional list. Certain combinations of lists should also be avoided, such as merging of the drivers license and the motor vehicle lists which provides many duplicate names as most people who have a registered vehicle also hold a drivers license.

In counties where a single source list yields a population coverage of 85 percent or greater, the merging of additional lists is not recommended. Population coverage is determined by dividing the number of eligible citizens on the source list by the number of eligible citizens in the county.

In some counties, the drivers license list alone provides this coverage. The Jury Management Division of the Administrative Office of Courts can provide the commission with information concerning the population coverage of the drivers license list for its county.

When refilling the master jury box,

jury commissions are encouraged to draw enough names from the master list to provide the court with an adequate number of qualified jurors during the two-year qualification period, 1980-81. This number is based on the court's past requirements for jurors, qualification/summoning yields and anticipated future requirements for jurors. All questionnaires should be prepared and mailed at one time, rather than several hundred at a time, to avoid repeating the process at intervals during the qualification period.

Necessary supplies such as qualification questionnaires, envelopes and postage can be requested from AOC by completing the Request and Requisition for Purchase Form for supplies (FIS-61 Rev 1/80) and the Request and Authorization for Postage Form (FIS-25 2/77). All requests should be made in accordance with established court system procedures.

Steps have recently been taken to provide return postage for juror qualification questionnaires. A memo concerning the use of return postage has recently been sent to all presiding circuit judges to be distributed to local jury commissions.

For further information concerning the procedures involved in the refilling of the master jury box, contact Hunter Slaton or Mike Carroll at AOC.

See related article on pilot project designed to speed juror qualification process and reduce expenses for clerical assistance normally required for filling the master jury box below.

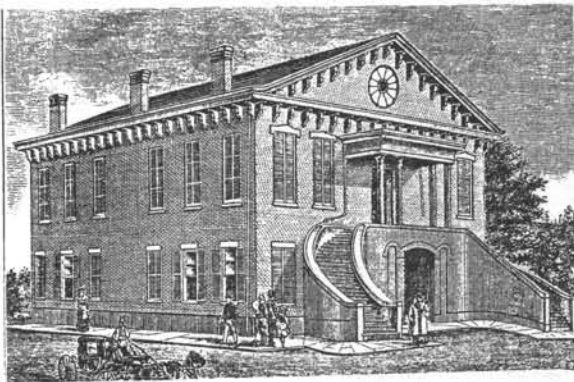
PILOT PROJECT DESIGNED TO SPEED

JUROR QUALIFICATION PROCESS

As part of the Juror Utilization Management Incentive Program, the Administrative Office of Courts is implementing a pilot project designed to speed up the juror qualification process and reduce expenses for clerical assistance normally required for refilling the master jury box. The pilot project will utilize centralized computer services provided by the AOC for the random selection of names and the preparation of juror qualification questionnaires.

The pilot project is limited to those counties which use the drivers license

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LITHOGRAPH SHOWS THIRD BUTLER COUNTY Courthouse built in Greenville.

BUTLER COUNTY COURTHOUSE...

PRESENT STRUCTURE IS FOURTH IN COUNTY

Butler County was created in 1819 from Conecuh and Monroe Counties. The county seat originally called Buttsville after Captain Samuel Butts, was renamed Greenville in 1820 because the vast majority of settlers in the area were from Greenville, South Carolina. Butler County was named for Captain William Butler who fought in the War of 1812 and subsequent Indian Wars and was brutally murdered by the Indians in 1818.

The first court session in the county was held at Fort Dale under large oak trees. Since that time, the county has had four courthouses. The

first was a wooden structure built in 1822 and raised by fire in 1853. The second building, constructed at the same site, was used until 1871 when it was demolished.

The third courthouse, built in 1871, was a two-story red brick structure with a front portico attached at the second floor resting on a curved stairway. The building had a pedimented gable roof with wooden brackets extending along the edges of the roof and pediment. There was a round wheel window set just beneath the apex of the gable. The courthouse had six interior chimneys with corbelled caps. The front portico has four fluted columns with plain capitals supporting the entablature.

The lithograph of the third courthouse above shows the front of the building where two men were lynched in 1892. John Hipp and Charley Kelley had murdered six people including the county's tax collector, Charles Jacob "Jake" Armstrong. When the two were apprehended and jailed in the courthouse, an angry mob stormed the structure and hung the two men from the second-story staircase at the front of the building.

The fourth and present structure was completed in 1903, replacing the 1871 building. The building has a hip roof with a center clock steeple and two projecting front eaves with pedimented gable roofs. The steeple has a balustraded upper deck and a dome roof cupola. The steeple has an arched window in the second floor, above which is a pair of small rectangular windows. The clock is set in the tower above these with an arched belfry window in the cupola. The brick building has corner quoins throughout, including the eaves and tower. A modern stone block front addition has a square portico with plain columns, on each side of which is an arched window.

The first lawyer to settle in Butler County was Anderson Crenshaw for whom Crenshaw County was named. He later became the county's first circuit judge and served on the Supreme Court from 1821-32. Several of its lawyers have served on the Supreme and Appellate Courts including John R. Tyson, Charles R. Bricken and Thomas J. Judge who retired in Butler County. Another man who started his practice in Butler County went on to such jobs as governor of Alabama and attorney general of the Confederate States of America, Thomas Hill Watts. The county's most illustrious citizen was Hilary Abner Herbert, secretary of the Navy for Grover Cleveland and member of Congress during the Spanish-American War.



PHOTOGRAPH SHOWS FOURTH AND PRESENT... Butler County Courthouse in Greenville.

JURY ORIENTATION FILM NOW IN USE IN MONTGOMERY COUNTY CIRCUIT COURT

Montgomery County Circuit Court has just implemented a jury orientation film developed by the Administrative Office of Courts for use in its jury orientation sessions.

The film deals with the role of jurors, how and why they have been selected to serve and what will be expected during their term of service. It introduces the local circuit and district judges as well as other court officials with which the jurors will come into contact.

"We have gotten nothing but positive response from the jurors who have seen the film," said Robert Merrill, Montgomery County court administrator.

"The real benefit is that the film gives a multi-stimulus approach to the orientation session--both visual and audio--that tends to illustrate and make it easier for the average person to understand the jury process," Merrill added.

The 16-minute film, developed by the AOC Research, Planning and Development Division, supplements and augments the jury orientation process. In addition to relieving the circuit judges from this necessary but time-consuming task, the film allows jurors a consistent explanation of the jury process.

The Research, Planning and Development staff is currently working on completion of four similar films for the 9th, 11th, 37th and 39th Judicial Circuits. Preliminary contacts have been made for development of juror orientation films for 13 additional circuits.

CORRECTION TO LEAVE ACCOUNTING CARD

As may have already been noticed, two small errors were made on the 1980 Leave Accounting Card. Under the heading PERIOD BEGINS, there should be three entries for the month of April: April 2, 1980; April 16, 1980; and April 30, 1980. The April 30 date was originally printed as May 30.

Again, under the heading of PERIOD BEGINS, the date of July 6, 1980, should have been printed as July 9, 1980. Please make the appropriate corrections.

When completing the Leave Request and Approval form, please keep these two ideas in mind: include the employee's Social

Security number and write legibly (typing is preferred). Remember, too, that all yellow copies of the leave form, regardless of the type leave used, are to be submitted at the end of the current pay period.

PILOT PROJECT DESIGNED TO SPEED

JUROR QUALIFICATION PROCESS

(Continued From Page 2)

list as the sole source list. This limitation is due to the necessity of standard format for names and addresses which a sole source list provides. The only statewide list which is presently available for computer use and which provides acceptable population coverage is the drivers license list. While the project was designed for implementation in certain of the 14 pilot courts, a limited number of additional counties outside the JUMI Program will be included. The final determination of participating counties has not been made.

In past years, jury commissions, through the presiding circuit judges, have contracted locally for computer services which have been used primarily for the random selection of names from the master list and for the production of address labels.

In most instances, the preparation of juror qualification questionnaires was performed manually and as a result was a time-consuming and costly process.

For use with the pilot project, a computerized questionnaire packet has been prepared by the AOC and approved by the Supreme Court. This questionnaire packet is similar to computer mailing envelopes frequently used by businesses and contains the questionnaire and a return envelope.

Following the random selection of names from the master list, pre-addressed, stamped questionnaire packets will be produced by the computer and mailed from Montgomery. The return address on both envelopes will be that of the local jury commission. In addition to the preparation of questionnaires, the system will produce a print-out of the master list, a card for the trial court jury box and address labels for summons.

The pilot project is due to begin in late September following the delivery of the computerized juror questionnaires from the supplier. The project is expected to be completed by the December deadline.

PROFILE

Justice Samuel A. Beatty



JUSTICE BEATTY

"Who wants to retire?"

"I want to work till the day I die," said Alabama Supreme Court Justice Samuel Alston Beatty as he reflected over his career.

"The most miserable thing in the world must be not having fulfilling work. I consider myself fortunate to have important work. What I do is vital--essential to

the system in which we live.

"I have been very fortunate in my mature life to have been a lawyer, teacher, dean and to have served on the high court of the state. I haven't made a lot of money, but I've made a lot of friends. I have a wonderful wife and two fine children. I have a lot to be thankful for."

Justice Beatty's exuberance about the field of law and judging shine through as he speaks about his position on the state Supreme Court and the road he has traveled getting there.

A native of Tuscaloosa and a 1939 graduate of Tuscaloosa High School, Beatty entered the United States Army Air Corps as an aviation cadet in 1942. After receiving his diploma as a pilot, he served in the South Pacific Theatre of operations as a combat pilot in B-25 aircraft. Returning to the United States in 1944, Beatty served as a pilot-instructor until the conclusion of World War II. He served as an officer in the Judge Advocate General's Department, Air Force Reserve, until his retirement in 1968.

He received his B.S. from the University of Alabama in 1948 and graduated from the University's School of Law in 1953.

After receiving his degree, Beatty began law practice in Tuscaloosa with the

firm Dominick, Rosenfeld & Nicol and served concurrently on the University of Alabama Law School faculty. He was later affiliated with the Tuscaloosa law firm of Henley & Beatty and remained on the U of A faculty for 15 years.

Thinking that the field of legal education might be his life career, Beatty further prepared himself by attending Columbia University where he received his LL.M. in 1959 and J.S.D. in 1964.

He left the University of Alabama to serve as dean of the Walter F. George School of Law at Mercer University. He has also served as assistant attorney general--chief of the Civil Division.

"Classroom work just turned me on. I loved being close to the students. From a professional standpoint, I'm much busier with the law now, but I loved teaching."

Beatty still teaches classes frequently in Continuing Legal Education curriculums. He occasionally addresses classes of law at the University of Alabama where he maintains an office. But he still sees many of his former students--very often in the courtroom.

"When I was campaigning for the Supreme Court position, a reporter asked me if I would be able to be unbiased when some of my former students argued cases before me.

"I don't find it difficult at all to divorce myself from personal affiliations. A lawyer is trained to be able to look at issues impartially."

Beatty ran for the Supreme Court seat vacated by the retirement of former Justice Pelham J. Merrill and assumed that seat in 1976. Beatty's former students asked him to seek the high court seat and through their campaign efforts, he says, he was elected.

His students had honored him on another occasion when they awarded him the first Meritorious Award for Outstanding Teaching in 1970.

Beatty is the son of Rosa Horton Beatty and Eugene C. Beatty. He and his wife, the former Maude Applegate ("Apple"), have two children, Rosa and Eugene, both law-

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'80 LEGISLATIVE SESSION PRODUCTIVE FOR JUDICIARY

(Continued From Page 1)

raise and step raise.

House Bill 571 also specified that the entire 1979-80 cost-of-living raise of seven percent, which employees have been receiving in quarterly payments, be added to each employee's salary base on Sept. 30. The new 7.5 percent raise will then be calculated on top of the 1979-80 seven percent raise.

Appellate and district judges received pay increases by virtue of the report of the Judicial Compensation Commission becoming law. Circuit judges will receive the 7.5 percent cost-of-living raise. Circuit clerks and registers will receive the 7.5 percent cost-of-living raise and a \$1,800 increase, which makes up for the 1978 cost-of-living legislation from which they were excluded.

A new district judgeship was approved for Tuscaloosa County and a circuit judgeship in the 5th Judicial Circuit which had never been filled was deleted.

The legislature passed a package of bills which were supported by AOC and the Permanent Study Commission. A synopsis of these four bills follows:

(H. 457) Service of jury summons and witness subpoenas by first class mail.
(Effective upon signing by the governor.)

This Act provides that the juror summons shall be executed by the sheriff, at his election, by either (1) personal notice or by leaving a written notice at the residence of the person summoned; or (2) by placing a written notice of the summons in the U.S. Mail, first class, postage prepaid, and addressed to the person to be summoned not less than 15 days before the day appointed for service. This Act provides that witness subpoenas shall, at the election of the sheriff, be served (1) personally or by leaving a copy of the subpoena at the place of residence of the witness; or (2) in misdemeanor cases, if the subpoena is requested more than 10 days before the date the witness is required to appear, by placing a copy in the U.S. Mail, first class, postage prepaid (unless the person requesting the subpoena directs that it be personally served).

(H. 173) Abolishes the distinction between moving and non-moving traffic violations. (Effective June 1, 1980)

This bill provides for a docket fee of \$22.50 for all traffic infractions to be distributed as provided in Section 12-19-179.

(H. 242) Fee to be collected from the proceeds of all judicial sales. (Effective upon signing by the governor).

This bill provides a fee to be collected for all judicial sales, patterned after the commissions on sales as provided in Title 11, Section 27, of the 1940 Code.

(H. 243) Records retention schedule. (Effective upon signing by the governor)

This bill provides that the records of the courts of the Unified Judicial System may be disposed of in the manner and in accordance with such procedures as may be prescribed by rule of the Supreme Court after consultation with the State Records Commission.

Other statewide legislation affecting the judiciary which passed is summarized as follows:

Act 80-433 (S. 2) Alabama Rules of the Road Act. (Effective Aug. 17, 1980)

This Act updates the Rules of the Road to conform to federal standards. The most significant changes to the present law deal with "driving under the influence of alcohol or controlled substances on first offenses." The new law permits judges wide discretion on first offenses, such as whether the person so convicted is permitted to retain his license or not. In other words, the license of a defendant is not automatically revoked on first conviction as is the case now. However, the judge may, at his discretion, prohibit the defendant from driving a motor vehicle on the highways of Alabama for up to six months. First offenders shall also be required to attend an AOC approved DUI court referral program. The law further stipulates that "Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances."

(S. 8) Social security numbers on accident report forms and traffic citations

This Act requires that the social security number of persons involved in accidents or charged with moving traffic violations be listed on the accident report

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NEWS FROM THE JUDICIAL COLLEGE

JUDICIAL SECRETARIES PLAN EDUCATION CONFERENCE

The Alabama Judicial College has scheduled an education conference for the secretaries of the Unified Judicial System in Birmingham July 10-11 at the Plaza Hotel, South. A wide variety of seminars and workshops are on the agenda.

Communication skills will be presented by Associate Justice Richard L. Jones of the Supreme Court. An idea swap on procedures for caseload management is scheduled for circuit and district secretaries.

On the second day, five mini-workshops will be conducted twice to allow each participant an opportunity to attend two. These workshops include the new Criminal Code discussed by Tuscaloosa District Attorney Wayne Williams; Legal Research conducted by George Ford of Dothan, Wright and Ford of Gadsden; Juvenile Cases handled by District Judge A. Ted Bozeman of Lowndes County; Office Management Practices by Janis Davidson, certified legal assistant and president of the National Association of Legal Assistants, of Lang, Simpson, Robinson and Somerville of Birmingham; and Public Information for Courts discussed by Robert A. Martin of the Administrative Office of Courts.

Dr. Hal Ballard, director of industrial relations, Vulcan Materials Company of Birmingham, will close the conference with a workshop on dealing with stress.

CIRCUIT AND DISTRICT JUDGES

PLAN ANNUAL CONFERENCE IN JULY

Circuit and district judges have scheduled their Annual Conference July 16-17 at the Plaza Hotel, South in Birmingham. This conference will immediately precede the Annual Convention of the Alabama State Bar Association.

In the opening general assembly, Administrative Director of Courts Allen L. Tapley will report on activities of the department. Judge Randall Cole of Fort Payne will bring judges up-to-date on the Records Retention Schedule. Col. Jerry Shoemaker, director of the Department of Public Safety, will report to the group

on the new programs in the department.

Many educational seminars have been planned. J. Russell Gibson, III of Phelps, Owens, Jenkins, Gibson and Fowler of Tuscaloosa will discuss Summary Judgments. He will be followed by Leon Ashford of Hare, Wynn, Newell and Newton of Birmingham who will discuss Substitution of Parties. The new Criminal Code and the Temporary Rules of Criminal Procedure will be discussed by Professor M. Clinton McGee of the University of Alabama Law School.

Appellate Judges Robert P. Bradley and L. Charles Wright will make presentations concerning the Judicial Inquiry Commission and the Court of the Judiciary respectively. They will also respond to questions.

Thomas Krebs, director of the Alabama Securities and Exchange Commission, will discuss the Alabama Securities Act and its ramifications. The new Federal Bankruptcy Act and its Impact on the State District Courts and the State Circuit Courts will be made in two presentations by George S. Wright of Tuscaloosa with Rosen, Wright, Harwood and Albright. Wright also is a federal bankruptcy judge.

Dr. Shephard A. Odom of Montgomery will return for another session on Stress and How to Deal With It.

On Thursday, July 17, Damages under Breach of Warranty including Personal Injury will be discussed by Attorney Lanny S. Vines, Emond and Vines, Birmingham.

District judges will have a workshop session where they will propose solutions to unique district court civil cases. There will also be a session on Listening and Notetaking conducted by two professors in the School of Journalism at the University of Alabama, Camille Elebash and Marian Huttenstine.

A brunch for spouses is scheduled on July 16 from 10 a.m. till noon. Dr. Hal Ballard of Vulcan Materials in Birmingham will discuss Stress and How to Deal With It.

1980-81 JUDICIAL COLLEGE CALENDAR SET, PUBLISHED ON PAGE EIGHT

The Judicial College calendar for 1980-81 has been approved and set. Judges are urged to consider their own conferences as well as those of other court officials when setting court dates. See page eight.

1980 ALABAMA JUDICIAL COLLEGE 1981
CONTINUING EDUCATION PROGRAMS

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
1980 JUNE					SUMMER CONFERENCE GUNTERSVILLE Jun 19-21				
JULY	SUMMER CONFERENCE BIRMINGHAM Jul 16-17							ANNUAL CONFERENCE BIRMINGHAM Jul 10-11	
AUGUST						NSM EMPLOYEE ORIENTATION TUSCALOOSA Aug 7-8			
SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA Sep 4-5								APPELLATE JUDGES JOE WHEELER Sep 11-12
OCTOBER					MANAGEMENT SEMINAR I Oct 15-17, North Oct 22-24, South				
NOVEMBER	PRESIDING JUDGES BIRMINGHAM Nov 6-7								
DECEMBER					MANAGEMENT SEMINAR II Dec 3-5, North Dec 10-12, South				
1981 JANUARY	MID-WINTER CONFERENCE BIRMINGHAM Jan 22-23						ANNUAL CONFERENCE MOBILE Jan 22-23		
FEBRUARY				ORIENTATION TUSCALOOSA Feb 21-22	MID-WINTER CONFERENCE TUSCALOOSA Feb 5-6				
MARCH					MANAGEMENT SEMINAR IIII Mar 18-20, North Mar 25-27, South				
APRIL	SPRING JUDICIAL SEMINARS TUSCALOOSA Apr 15-17		JUDICIAL SEMINARS TUSCALOOSA Apr 14						
MAY				ANNUAL CONFERENCE MONTGOMERY May 16-17					
JUNE					ANNUAL CONFERENCE EUFALUA Jun 11-13				
JULY	SUMMER CONFERENCE MOBILE Jul 22-23							ANNUAL CONFERENCE GUNTERSVILLE Jul 16-17	
AUGUST					MANAGEMENT SEMINAR IV Aug 3-7, North Aug 12-14, South				DWI INSTRUCTORS TUSCALOOSA Aug 20-21
SEPTEMBER	FALL JUDICIAL SEMINARS TUSCALOOSA Sep 9-11								APPELLATE JUDGES GULF SHORES Sep 17-18

DALE COUNTY YOUTH MAIN CONCERN OF DISTRICT JUDGE T. L. BOROM

"After 41 years of law, there is no doubt that being a district judge is a job of frustration and heartache.

"A life from conception to the grave may rest in the decision you make. You cannot afford to play God. If a child is given a better opportunity in life, the frustrations and heartaches are a small price to pay."

Dale County District Judge T.L. Borom relayed this summation of his job to Dothan Eagle Reporter Al Byrne as he reported in a lengthy article in late April.

Borom added that one major accomplishment he feels of his tenure as district judge has been the "result of team effort. I am grateful to many individuals and agencies that made our accomplishments (in the area of youth services) possible."

This spirit of cooperation was evidenced by the concern shown by Mrs. Berta Blackwell, chief probation officer of Dale County Youth Services, who forwarded the article to Court News for reprinting.

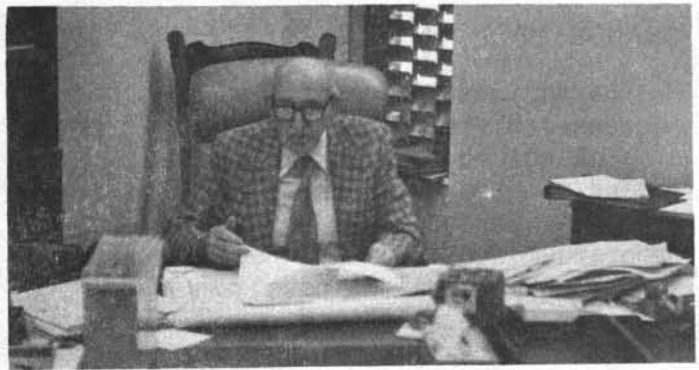
Judge Borom will leave office at the end of his present term after serving the youth of Dale County since 1972.

Born at Troy in 1901, his graduating class of six boys and five girls in 1919 was the second in the history of Troy High School, the Dothan Eagle reported. From THS, he entered the University of Alabama and graduated with a business and commerce degree in 1923.

"I became interested in law after graduation and went back to the University of Alabama in my spare time to study for a law degree. I taught English and history, coached and was assistant principal in several Alabama schools while I earned my degree."

An extensive tour with the military took him to several states and Europe where his law degree and legal training earned him such assignments as staff judge advocate, chief of claims division and chief of litigation division in the Pentagon, instructor of the new manual of courts martial, chief of war crimes division and law officer. He retired at Ft. Rucker as staff judge advocate.

During his first year as judge in the Inferior Court, Borom said he handled few-



DALE COUNTY DISTRICT JUDGE T.L. BOROM

er than 1,000 cases with a dollar intake of \$60,000.

"I began to suspect that there were juvenile problems in my county and I began to contact every agency I knew."

The judge spent endless days contacting the Department of Pensions and Securities, schools, churches, law enforcement agencies, hospitals, doctors and Ft. Rucker agencies.

"When we all started working together, I knew we had juvenile problems and the youth of our area needed help. When I presented this problem to the county commissioners, they permitted me to hire one juvenile officer to work full time on juvenile matters."

From that beginning, the county commissioners now provide the district court with two full time juvenile officers and a secretary. The courtroom and office facilities, especially built for the court, are unsurpassed in the state, the article reports.

Borom's workload has more than doubled and, according to the judge, it has not begun to peak. The court heard 3,145 criminal cases, 590 civil, 894 domestic relations and 1,400 undocumented matters during 1979 fiscal year. Dollar intake for the same period was \$240,000 for child support and \$347,724 for all others.

Judge Borom has a motto referring to youth that says: Their problems are society's problems now and tomorrow.

For the remainder of his term, Judge Borom's major goal is to continue and expand the efforts to prevent youth from having to be brought before any officer.

"This can only be done where our mutual relationship is one of trust. Only then do we find our youth coming to us with problems before they are brought to us."

CHANGE MADE IN SICK LEAVE POLICY

The Administrative Office of Courts' Personnel Division has just been informed of a change to the sick leave policy with regard to Other Sick Leave. The State of Alabama's Personnel Department released a memorandum stating that, regardless of the length of personal illness, Personal Sick Leave is to be requested. Prior to this statement, if a personal illness extended beyond 26 consecutive days, Other Sick Leave was to be used.

The Leave Request forms and Chapter V of the UJS Personnel Procedures Manual are being revised to conform to the new changes.

JUDGE WALLACE EXCEEDS THROUGHPUT GOAL

Please note that in the March issue of Court News, the 3rd Judicial Circuit was inadvertently omitted from the list of circuits obtaining the throughput goal for 1979. Presiding Judge Jack W. Wallace is to be commended for achieving 115 percent throughput for 1979.

'RULES OF ROAD' TRAINING SESSIONS

SET FOR DWI PROGRAM DIRECTORS

Training sessions will be conducted for DWI Court Referral Program directors in June and regional training seminars will be conducted for municipal judges in August and for district judges in September to assure an orderly transition of the new "Rules of the Road" law passed during the recently-concluded 1980 legislative session.

SURPLUS PROPERTY TO BE PICKED UP

The Administrative Office of Courts is presently scheduling trips to pick up state-owned surplus property during the months of June, July and August.

A memorandum dated May 13 requested that all court offices provide the AOC with a list of surplus property to be picked up, the inventory control number, size and serial number (if applicable).

Court offices which have not submitted a listing are requested to do so as soon

as possible. The listing should be submitted to Margaret Norris, property manager, at AOC.

Offices will be notified in advance of the date scheduled for pickup in order to minimize office disruption.

CHIEF JUSTICE TORBERT PARTICIPATES

IN STATE LAW DAY ACTIVITIES

In celebration of Law Day 1980, Chief Justice C.C. Torbert Jr. and Supreme Court Justice Reneau P. Almon appeared on public television, May 1, in a film entitled, "Alabama's New Criminal Law." The film explored Alabama's new criminal law and delved into the workings of the criminal justice system.

In addition to the Law Day film, the chief justice prepared a 30-second public service announcement reminding all citizens what Law Day means: "If there were no laws, our society could not peacefully exist. If there was no law enforcement, we would have no need for laws. If there were no courts, we could not have justice. We are fortunate to live in a Nation where the rule of law governs all our people in a fair and equitable way."

Judges, lawyers, local bar associations, law enforcement officials and concerned citizens around the state participated in a variety of programs and activities in an effort to promote better understanding of and respect for law and the courts.

Torbert delivered a message at a non-denominational religious service in Birmingham, April 30, at the Episcopal Church of the Advent. "The whole body of laws under which we live in this great Nation had its roots in spiritual law and natural law philosophies. Law Day is an appropriate time to reaffirm our reliance upon spiritual and secular laws, and the indispensability of both in a civil order dedicated to justice," the chief justice said.

On Law Day, May 1, the chief justice delivered the keynote address at the Huntsville-Madison County Bar Association's annual Law Day luncheon. "Law Day is not a lawyers' day," Torbert said, "but rather it is a nationwide celebration for honoring the law, the judicial system and how it operates, and for examining how the law and the courts can better serve our people and our Nation."

MORE FORMAL APPROACH FOR PUBLIC INFORMATION PROGRAM PLANNED FOR NEXT FALL

During the past year, the Administrative Office of Courts' staff, judges, court officials and employees of Alabama's judicial system have conducted a statewide public information program. The program, which incorporates brochures, slide presentations, films, educational forums and other methods of instruction, is designed to educate the public, especially young people, on the judicial branch of government.

"Our program stresses the importance of educating Alabama's young people on the value of law and our judicial system and, in particular, encourages their interest and participation," said Administrative Director of Courts Allen L. Tapley.

The AOC Administrative Services staff, Bob Martin and Ceil Copeland, along with Tapley, has planned a more formally organized educational program for the 1980-81 school year. "We want to concentrate our efforts on a few selected school systems around the state in an effort to assist judges and other court officials in promoting knowledge of the judicial system through personal contact with educators and students," Tapley added.

Eight presiding circuit judges have agreed to devote their time and assistance toward establishing a sound courts educa-

tion program in their respective areas.

The presiding judges who have agreed to actively participate in next year's school program are: Claude Harris Jr., 6th Circuit; Newton B. Powell, 8th Circuit; Randall Cole, 9th Circuit; Paul Miller Jr., 26th Circuit; Inge Johnson, 31st Circuit; Jack Riley, 32nd Circuit; Ben McLaughlin Jr., 33rd Circuit; and Henry Blizzard, 39th Circuit. These judges will organize a meeting of local court officials, educators (school superintendents, principals and social studies teachers) and bar association members to be held sometime in early summer.

At the scheduled meeting, members of the AOC staff will discuss the importance of law-focused education in the schools and will distribute and/or show the various educational materials available from AOC. The AOC staff will also discuss and encourage local participation in some of the many fine programs already in progress around the state such as Law Awareness Programs, Youth Supreme Court and Youth Legislature.

"We hope and anticipate that this initial meeting will result in an effective and on-going program for the next and successive years and, if all goes well, we plan to expand into other areas each year."



PRESIDING CIRCUIT JUDGE HENRY BLIZZARD (far left), Administrative Director of Courts Allen L. Tapley (at podium) talk to high school students at Athens High School in last visit of school year. Tapley has traveled the state talking about the court system.

PEOPLE * PEOPLE

Shelby County District Judge *Patti Smith* and her husband, *Jerri*, are the proud parents of a new baby girl, *Richelle Marie*. "Shelley" made her appearance appropriately on May 1, Law Day. Judge *Smith* and baby *Shelley* *Smith* was signing search warrants from her hospital bed the day after her first child was born, and planned to be back on the bench May 14.



Administrators, the National Association for Court Administrators, the National Conference of State Trial Court Judges, the National Conference of Special Court Judges and the National Conference of Metropolitan Courts. At the end of the two-year study, the task force will publish a report of its standards and commentaries.

"We hope the standards will be usable for all court personnel in all courts," Caviness said. "We plan to go to great lengths to find out what works and what doesn't work."

The task force plans to meet bi-monthly beginning in September.

James S. *Garrett*, Vestavia municipal judge, has been re-elected president of the Municipal Judges Association.

Other officers include Ardmore Judge *Jerry Batts*, first vice president; Anniston Judge *Richard Cater*, second vice president; and *Larry Ward*, judge of Childersburg, Stevenson, Hollywood and Lincoln, secretary-treasurer.

Administrative Director of Courts *Allen L. Tapley* has been nominated and has agreed to serve on a National Center for State Courts Jury Standards Task Force.

Nominated by Jim Parkison, Missouri court administrator, Tapley will serve on a two-year study as one of two representatives from the Conference of State Court Administrators. *Walter Kane*, Rhode Island court administrator, will also represent the organization on the task force.

"The goal of this task force is to develop standards for jury usage and management," said Linda Caviness, NCSC staff associate and project director. "It will parallel with the Juror Utilization Management Incentive Program in which Alabama participates. The basic information to be used for the study will come from the 10 states participating in the JUMI Program," Caviness explained.

The study is funded through the Law Enforcement Assistance Administration. The task force will be comprised of the two COSCA representatives and one each from the National Association of Trial Court

Paul W. *Brock*, a Mobile attorney with the firm *Hand, Arendall, Bedsole, Greaves & Johnston*, has been appointed to the Judicial Inquiry Commission by the Alabama Board of Bar Commissioners effective June 1.

Athens Municipal Judge *James W. Woodroof* died May 9 while vacationing in Hawaii. He suffered a heart attack. *Mike Cole* of Athens has replaced him as temporary judge.

Chief Justice *C.C. Torbert Jr.* led a court system seminar sponsored by Sheriff *Tom Purvis* in Mobile in late April.

Open to the public, the hour-long seminar consisted of a talk by the chief followed by a question and answer period.

"It was especially significant that the chief justice would speak from an informative conference explaining the relatively new court system," Purvis said.

"This is an indication of his own commitment to improving our court system," Purvis added. The seminar took place in the Mobile Municipal Auditorium.



COMPTROLLER 'BO' DEAN

AFTER 43 YEARS IN STATE GOVERNMENT, COMPTROLLER 'BO' DEAN BELIEVES IN 'SCHOOL OF EXPERIENCE'

George Cullen "Bo" Dean Jr. jokingly says he knew he had been around too long when the state started hiring people who were born after he went to work there.

But, his 41 years of service, all in the state capitol building, became a valuable asset when, in 1978, he was chosen through the state merit system as state comptroller.

A strong believer in the school of experience, of which he is a "graduate," Dean came to work for the state just out of Sidney Lanier High School after a disability kept him from entering the armed forces.

Starting out with the state tax commission (the forerunner of the state finance department), Dean later transferred to the controller's office and when the state merit system was implemented in 1939-40, he was classified as a senior clerk.

"When the merit system was implemented, there were only about 4,000 state employees. Now there are approximately 28,000 employees," Dean recalls.

He transferred back and forth from the closely related offices of the treasurer and controller as the merit system allowed him to progress, serving most of his years as chief clerk in the treasurer's office.

Born in Evergreen, Dean moved with his family to Montgomery as a young boy. He attended public schools in Montgomery and, after beginning work with the state, completed an accounting curriculum at Jones Law School.

Dean explains the process behind what he terms the most serious and important role of his office--getting out the state payroll.

"As each department establishes personnel, this office (state controller) is forwarded that information. From this information, we create a pre-payroll which is checked and corrected if necessary by the departmental personnel division. From that, we generate a payroll register and prepare the paychecks. The register is returned to the department for a final check. This has to be done on a timely basis because if we don't get it out, the payroll is delayed.

"The checks are then delivered to each department for distribution to employees."

Of the Administrative Office of Courts, Dean says, "AOC is one of the best operated departments in state government. They (AOC employees) have an attitude and spirit of cooperation and they are a joy to work with.

"About the time I came on as comptroller, we were in the process of implementing a new centralized accounting system by computer. At the time, AOC was about as much help to us as we were to them. On Jan. 1, 1979, our system began operating like we wanted it to--we had reports on time and they balanced.

"I can never say this is Utopia. There can always be improvements and changes are mandated by law and necessitated through everyday operations. But just like in life, we're always trying to do better today than we did yesterday."

Dean says he has been accused of being stingy and nit-picking, but he says he has always tried to do what is right.

"This has been my life. I hate to hear criticism of state employees. I have always tried to perform what I thought was for the good of the taxpayer.

(Continued On Page 14)



CONTROLLER'S STAFF WORKING TO GET out state payroll--from left Nolene Brown, Tee Samford, Mary Lambert.



PROFILE: JUSTICE SAMUEL A. BEATTY

(Continued From Page 5)

yers in private practice. His sister, Mrs. Carolyn B. Williams, is court reporter for Circuit Judge Louis B. Lackey of the 6th Judicial Circuit. His family is deeply rooted in the South, both his grandfathers having been veterans of the Confederate Army. Beatty enjoys reading, especially about history, and claims to be an amateur enthusiast of the Civil War period.

He is a member of the United Methodist Church in Tuscaloosa, Phi Alpha Delta and the Tuscaloosa, Alabama and American Bar Associations. He is a member of the Gridiron Society of the University of Georgia and belongs to a hunting and fishing club. For some time, Beatty has been interested in promoting mental health and plans to continue his participation in promoting mental health organizations.

"Personally, as a member of the bar, I had always looked up to the Supreme Court. After serving, I have even more admiration for the court. It takes a great deal of hard work, commitment and diligence. Being an appellate judge is much like being a composer--we educate ourselves on the issues and rely on our skills, background and expertise to compose an opinion which vouches for our judgment."

STATE COMPTROLLER 'Bo' DEAN

(Continued From Page 13)

"When I came into this office, I told the employees that I didn't want to be 'boss' but that the basis of our working relationship should be the three 'C's'--Cooperation, Communication and Consideration. When you get to the bottom of most problems, there is a lack of communication."

As for the future needs of the state finance system, Dean says we must look not only at improvements in the system but also at improvements in the reporting system.

"What should be foremost in our minds is to be able to account for our actions to the legislature, the people and to the governor.

"Beginning Oct. 1 of this year, we will begin distributing a new type warrant (pay-

check) that will include a stub. It will be a paper-type warrant rather than the card-type warrant we use now. The check will constitute the back side and the stub, folded over and heat sealed, will give the check the appearance of an envelope and will be mailable."

A member of the Montgomery Lions Club and the Eastern Hills Baptist Church, the priorities in Dean's personal life include the Lord, his family and the state. He is an avid baseball and football fan, enjoying watching his son play Dixie Youth baseball. He follows War Eagle football, as he says he has many ties with Auburn.

"I was good friends with Dr. Draughton (past president of Auburn) and my son and daughter went to school there as well as a cousin. I go through life thinking I missed something by not going to school there," he laughs.

Dean got his nickname, Bo, from his father who said he just got tired of unning around the house calling himself.

"I feel real fortunate to be in good health and have accomplished what I have in life," Dean says. "I have a tremendous, well-qualified staff and have to give them credit for the smooth running of this office."

One gets the feeling that the controller's office is in good hands.

SEMI-ANNUAL REPORT OF CASES/MATTERS UNDER SUBMISSION SIX MONTHS OR LONGER DUE IN JUNE

Form AOC-1, "Semi-Annual Report--Cases/Matters Under Submission or Advisement for Six Months or Longer," has been mailed to all trial court judges and retired or supernumerary judges who are active on the bench. This report should be completed by all trial judges and covers the period Jan. 1 through June 30.

On July 2, 1979, the Supreme Court approved an amendment to the Canons of Judicial Ethics which states that "...if there has been no case or matter under submission or advisement for a period of six months or longer the report shall so state."

Form AOC-1 should be returned by all active judges, therefore, whether they have or do not have cases to report.

JUDGE ROBERT P. BRADLEY ADDRESSES MUNICIPAL JUDGES AT ANNUAL MEETING;
SAYS PUBLIC OPINION OF JUDGES FORMED IN MUNICIPAL COURTS OF THE STATE

Judge Robert P. Bradley, a member of the Court of Civil Appeals of Alabama and chairman of the Alabama Judicial Inquiry Commission, spoke to the state's municipal judges at their annual conference in Birmingham on May 10. His subject was "Judicial Behavior on the Bench and in the Courtroom."



JUDGE BRADLEY

Judge Bradley noted that the public's attitude toward courts generally and judges in particular results mainly from the knowledge that they gain from observing judges in the courtroom.

Municipal judges have more contact with the public than any other category of judges in the state. As a result of this exposure, the majority of the people coming in contact with the state's judicial system receive their education about the courts from municipal judges. The opinion of how judges act and how they conduct the court's business is formed in the municipal courts of the state. Accordingly, it is important for the entire court system that the public receive a good impression of how they can expect to be treated by their judiciary, Judge Bradley noted.

To help create and maintain a good impression of the courts in the public's mind, a judge needs to be kind and patient to all people in the courtroom, be dignified but not take himself too seriously, be prompt in the disposition of the business of the court, never forget that there are no unimportant cases--for the litigant before the bench, his or her case is the most important event of their lives at the moment, and, finally, always use your common sense and then pray for divine guidance, Judge Bradley continued.

Also, a judge should never forget that the Canons of Judicial Ethics require that a judge should avoid impropriety and the appearance of impropriety in all his activities. Furthermore, a judge should conduct himself at all times in such a manner as to promote the integrity and impartiality of the judiciary, he said.

That he should at all times maintain the decorum and temperance befitting his judicial office and should avoid conduct that brings the judicial office into disrepute.

Judge Bradley also discussed with the judges the types of complaints made by the people against their judiciary. He also discussed some court cases where judges had been charged and convicted of various types of judicial misconduct.

Judge Bradley urged the municipal judges to be ever vigilant to maintain the high standards of conduct expected of all judges by the citizenry of this state. He admonished them to always remember that they were chosen by the people to fairly and judiciously administer the affairs of their judicial office and that they should never forget to be courteous and reasonable with all persons having business with their courts.

MUNICIPAL COURT OF PRICHARD

RECEIVES AOC RECOMMENDATIONS

The Prichard Municipal Court received a number of recommendations for court improvement from the Municipal Court Division of the Administrative Office of Courts recently. The recommendations follow a series of visits by Angelo V. Trimble, coordinator of the Municipal Court Division, at the request of Municipal Court Judge Frankie Fields Smith.

Items discussed in the set of recommendations included court records, office space utilization, case processing, accounting systems, processing of the Uniform Traffic Ticket and Complaint (UTC), failure-to-appear cases and records storage and retention. New forms were recommended to replace some of the forms that were used by the court, and a new system of accounting--pegboard accounting--was suggested.

Trimble praised Judge Smith and Traffic Court Judge John Coleman for their assistance in the study. "Special praises go to Court Clerk Marcelene Coleman and Assistant Court Clerk Cynthia Wilson, who took an entire Saturday with Judge Smith and myself to study the courts active and inactive records," Trimble said.

BIRMINGHAM HEROES RECEIVE AWARDS AT ANNUAL SAFETY LEAGUE BANQUET

Members of the Greater Birmingham Safety League honored local heroes at the League's annual awards banquet on Friday, May 9 in Birmingham. About 100 people witnessed the presentation of awards to individuals, some of whom had risked their own lives to help their fellow citizens.

Assisting League President Robert Ellis in the presentation of awards were Walter L. Montgomery, Henry Hych, Sid Holder, State Senator Pascal Vacca and Birmingham Municipal Judge Tennant Smallwood.

The honorees, all Birmingham area residents, included: Nathaniel Goree who was 10-years-old when he saved the lives of three members of his family in a fire June 29, 1979. He received the national Boy Scout Honor Medal for lifesaving.

Mrs. Sandra Parker, a nurse, who administered heart massage in an effort to save the life of Birmingham Police Sgt. Gene Ballard who was killed in the line of duty last year.

James Glass and Steve Howell who rescued Mrs. Annette Stokes from a burning apartment complex in Ensley on March 10. They are employees of the complex.

Marie Day, a secretary for Southern Natural Gas Corp. who saw an automobile accident on the way home from a softball game. She gave cardiopulmonary resuscitation to save the life of the teen-age driver of one of the cars.

Mrs. Jo Wells, a Birmingham Water Works Board employee, and her husband were eating in a restaurant on Aug. 29, 1979 when a 9-month-old girl began to choke on a piece of food. Admittedly petrified with fear, Mrs. Wells pushed on the child's abdomen to remove the obstruction and saved her life.

Birmingham Police Chief B.F. Myers accepted a certificate of appreciation for his department.

Sid Holder, safety director for Fontaine Truck Equipment Company, presented an award to the Birmingham Fire Department for their heroic efforts in a recent fire at Fontaine Trucking where two oxygen tanks were kept from exploding by the efforts of the firemen even at great personal risk to themselves. Holder, in pre-

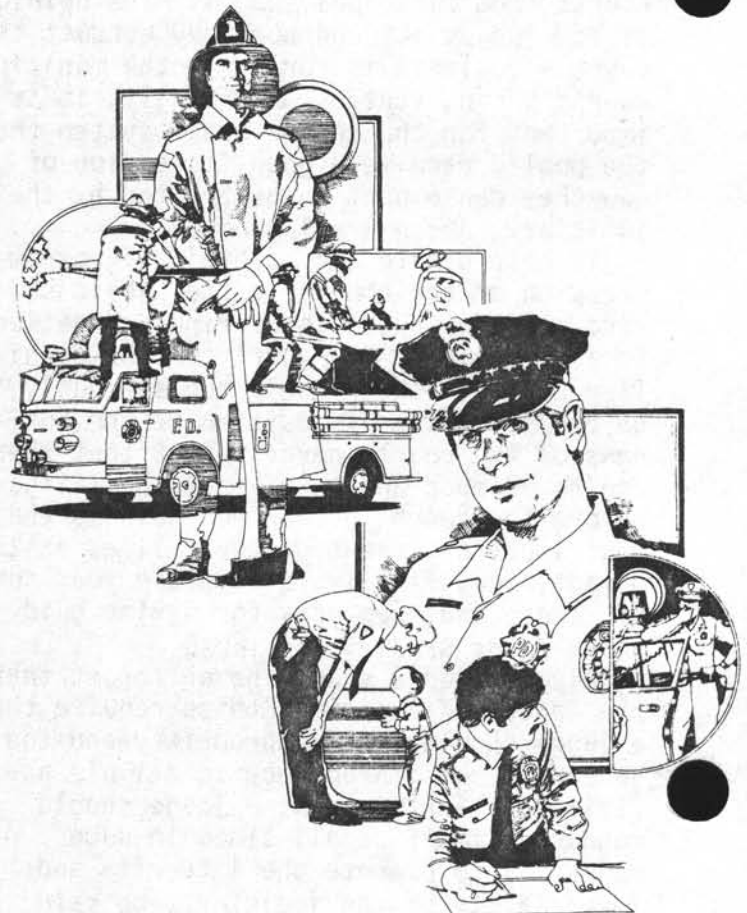
senting the award to Captain Bill Berry, said that the fire department not only saved his life, but the lives of many residents over several blocks.

N.F. Plunkett was honored for 2.5 million miles of accident-free driving for Chevron Oil Company.

Judge Smallwood, who recognized Judges Gerald Durwood, Peter Hall, Bill Robinson, Maurice Rogers and Sheldon Watkins for their help with the group's defensive driving and DWI Counterattack program, was also presented an award for his work with the same programs.

Senator Vacca received a standing ovation for his efforts toward the recent passage of the "Rules of the Road" Act.

Col. Jerry Shoemaker, director of the Alabama Department of Public Safety, was the keynote speaker for the banquet. The Administrative Office of Courts was represented by Angelo V. Trimble and Robert T. Simpson of the Municipal Courts Division.



LAW INSTITUTE'S MCCURLEY ADDRESSES ANSWERS TO QUESTIONS ON CRIMINAL CODE

Robert L. McCurley, director of the Alabama Law Institute, has put together a series of frequently asked questions and their proper answers dealing with Alabama's new Criminal Code which went into effect Jan. 1 of this year.

Each month, or as needed, McCurley will forward to Court News for printing, questions which have arisen concerning the Code and its implementation. Questions for this forum may be addressed to: Robert L. McCurley, director
Alabama Law Institute
P.O. Box 1425
University, AL 35486

Q. Does habitual offender law apply to misdemeanors?

A. No. It only applies to felonies.
13A-5-9.

Q. Before a person can plead guilty to a felony, must there be a pre-sentence report?

A. No. Only when a pre-sentence report is requested by the judge, the district attorney or the defendant.
13A-5-5.

Q. Are all fines collected and paid as court cost?

A. Yes, any restitution paid the victim is outside of the fine.
13A-5-11 and 13A-5-12.

Q. A defendant is arrested in 1980. Is he automatically charged under the new criminal code?

A. No. If the offense occurred before 1980, the defendant is charged under the previous law. Only offenses that occurred after 12:01 a.m. Jan. 1, 1980 are charged under the new criminal code.
13A-1-7.

Q. What does the new criminal code say about where the defendant serves his time in jail?

A. The code does not change this law. The defendant's place of confinement remains the same as previously.
13A-5-8.

Q. How does the new criminal code change probation and good time law?

A. It does not at all cover this subject.

Q. A defendant is accused of breaking into a house and stealing sterling flatware worth \$10,000 while the owners were not at home. Can

he be charged under the theft section and punished as a Class B felony, or must he be charged under the burglary section where punishment is a Class C felony?

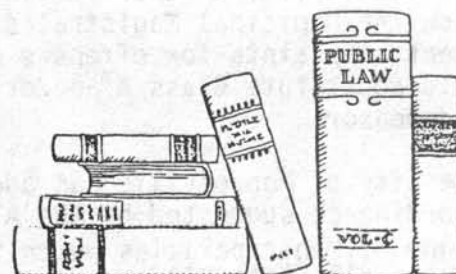
A. The defendant may be charged under either section.
13A-1-8, 13A-7-7 and 13A-8-3.



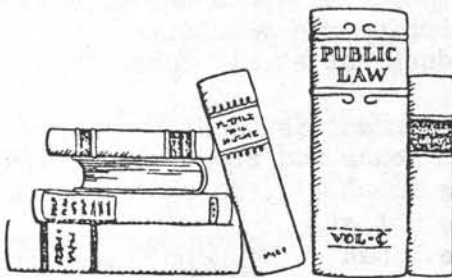
ROBERT L. MCCURLEY

Q. A person knowingly and intentionally writes a bad check to obtain cash or merchandise worth more than \$100. Can the defendant be charged with a felony?

A. Yes. A person may be charged with issuing a worthless check under section 13A-9-13 or, when it is shown that the person takes property by deception or exerts unauthorized control over another's property, the person may be charged with theft under the definition of theft.
13A-8-2.



LEGAL NOTES



ATTORNEY GENERAL OPINIONS

Juvenile Traffic Offenses

The Attorney General ruled on April 16, 1980, that juveniles who are sixteen years of age or older may be arrested for failing to appear in court at the scheduled time to answer a charge of a traffic offense which is a violation of a municipal ordinance and may be physically placed in jail on a charge of contempt of court.

Jurisdiction of Municipal Courts

On April 16, 1980, the Attorney General issued the following opinion:

"The Office of the Attorney General has received the opinion request which presents the following facts:

"Citizens of the City of Monroeville have attempted to file criminal charges against other citizens in the Municipal Court of the City of Monroeville for offenses which, under the Alabama Criminal Code, would constitute Class A and/or B Misdemeanors.

"The Municipal Judge for the City of Monroeville hesitates, for possible jurisdictional and other reasons, to allow the Municipal Magistrates to accept complaints for offenses which would constitute Class A and/or B Misdemeanors.

"The City of Monroeville has adopted an ordinance suggested by the Alabama League of Municipalities which incorporates all State Misdemeanors as

offenses against the City of Monroeville. That ordinance is attached to this Certificate of Facts and Questions as Exhibit A and incorporated herewith.

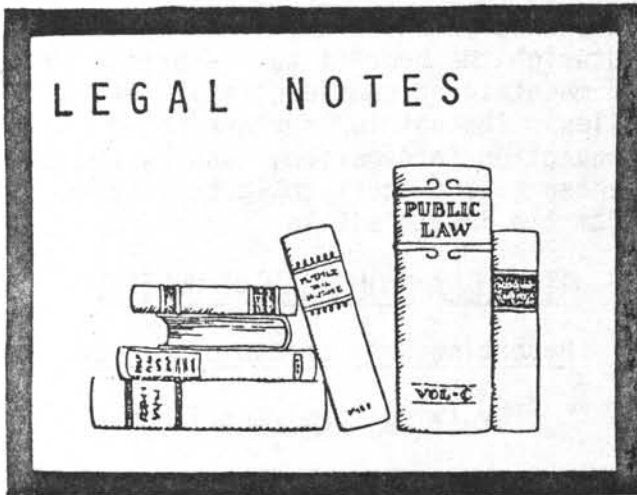
"Your first question is whether municipal courts have jurisdiction over violations of municipal ordinances when those ordinances have adopted Class A and/or B state misdemeanors as offenses against the municipality.

"For many years, cities have, by enacting reference ordinances made violations of state misdemeanor statutes within the corporate limits and police jurisdiction of the municipality offenses against the municipality. State v. Town of Springville, 220 Ala. 286, 125 So. 387 (1929). Of course, the municipal court may impose punishment only within the limits set forth in Code of Alabama 1975, Section 11-45-9.

"Code of Alabama 1975, Section 12-14-1, provides that municipal courts shall have concurrent jurisdiction with the district court of all acts constituting violations of state misdemeanors committed within the police jurisdiction of the municipality which may be prosecuted as breaches of municipal ordinances. However, Code of Alabama 1975, Section 12-12-32, which defines criminal jurisdiction generally, indicates that neither the district court nor the municipal court should undertake any prosecution 'which also involves a felony offense which is within the exclusive jurisdiction of the circuit court.'

"It is, therefore, the opinion of this office that municipal courts do have jurisdiction over violations of municipal ordinances when those ordinances have adopted Class A and/or B state misdemeanors as offenses against the municipality. However, it is the further opinion of this office that the language of Section 12-12-32 indicates that where there is a possibility that the prosecution could involve a felony offense the person should be charged with a state offense rather than with violation of a municipal ordinance.

"Although it is impossible to set forth a complete list of misdemeanors for which
(Continued on Page 19)



ATTORNEY GENERAL OPINIONS

(Continued from Page 18)

a defendant should not be charged with violation of a municipal ordinance, no charge of violating a municipal ordinance should be made for the following offenses as defined in the Criminal Code: criminally negligent homicide; sexual abuse in the second degree; arson in the third degree; forgery in the third degree; and, criminal possession of forged instrument in the third degree. Again, this list is not an exclusive one, but a guide to be used as each offense is judged on an individual basis with due regard to the particular facts surrounding the act committed. It should be noted that all enumerated offenses are so closely tied to higher degrees of the offense that reference to the elements of the other offenses would be necessary in order to determine with which degree of the offense the violator should be charged. In addition, a person being tried on a charge of criminally negligent homicide is entitled to a jury.

"Your second question is:

"2. Regardless of the answer to Question one (1), does a Municipal Magistrate have the authority to take complaints and issue warrants for offenses under the Alabama Criminal Code, which offenses constitute Class A and/or B Misdemeanors.

"A municipal magistrate can only issue arrest warrants for violations of municipal ordinances. Code of Alabama 1975, Section 12-14-51 and Rule 18 of the Rules

of Judicial Administration. It may be that some violations of municipal ordinances are in fact Class A and B misdemeanors which have been adopted by reference as violations of municipal ordinances, but the municipal magistrate can issue arrest warrants only for violations of municipal ordinances. The municipal magistrate, unlike the municipal judge, has no authority to issue arrest warrants for state offenses which are to be prosecuted as state offenses in other courts. Municipal magistrates may not issue search warrants.

"The third question presented reads as follows:

"3. Regardless of the answer to Question one (1), must the City, in view of Section 12-14-1(c) prosecute a misdemeanor charge as a violation of City Ordinance (Exhibit A) or can the City bring said misdemeanor charge in Municipal Court as the violation of a specific state statute?

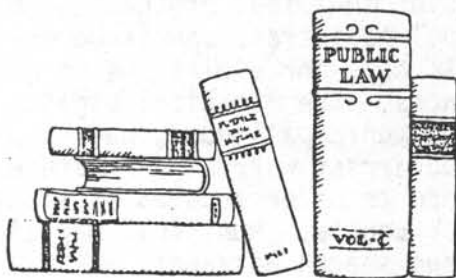
"In view of the provisions of Constitution of Alabama 1901, Amendment 328, Section 6.065, which limits the jurisdiction of municipal courts to cases arising under municipal ordinances as prescribed by law, it is the opinion of this office that the City may not bring a misdemeanor charge in Municipal Court as the violation of a specific state statute."

Destruction of Exhibits

On April 8, 1980, the Attorney General released an opinion concerning the destruction of exhibits in civil cases. The Attorney General ruled that Ala. Code Section 12-21-8 (1975) which provides that clerks and registers of the circuit court may "destroy all exhibits offered and received in evidence in civil cases on or after the expiration of one year upon final disposition of such cases" is not applicable to situations where the records were not received in evidence, e.g., where the case is settled without trial. These situations, the opinion says, are controlled by Section 41-13-21 which prohibits the destruction of any state record without first obtaining the approval of the State Records Commission.

(Continued on Page 20)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued from Page 19)

Juvenile Work Release Program

The Attorney General held on April 8, 1980, that the governing body of a municipality does not have the authority to establish a juvenile work release program. Instead, such a program may be established only by a municipal judge pursuant to the authority vested in him by Ala. Code Section 12-14-10 (1975).

Election Registration

In an opinion released April 8, 1980, the Attorney General ruled that although Ala. Code Section 17-4-122 (1975) provides that a deputy registrar may assist a person in filling out an application to become registered to vote, may witness the signing of the application and administer the oath, deputy registrars do not have the authority to actually register the applicant who can only be registered by the board of registrars.

Prison Records

Stating that the Federal Privacy and Freedom of Information Acts are primarily applicable only to Federal agencies and not State correctional institution, the Attorney General ruled on April 8, 1980, that prison records (those records kept in the normal course of prison business and used primarily for the benefit of the prison system) are not subject to inspection by the public nor the inmate concerned. The opinion noted that there may be

an exception where the inmate's needs outweigh the benefit to the prison system of maintaining confidentiality of the files. The opinion further noted that conviction information, such as the crime, sentence, and court could be obtained from the inmate's file.

MISCELLANEOUS LEGAL NOTES

Reporting Convictions of Crimes

Involving Moral Turpitude

It has been brought to our attention that Section 17-3-4, Code of Alabama (1975), which requires the circuit court clerk to report monthly to the Board of Registrars the names of those persons convicted of certain specified crimes, crimes of moral turpitude and infamous crimes has been repealed by Act No. 584, Acts 1978. However, Section 27 of that same Act re-enacts that requirement and provides that the circuit and district court clerks must furnish this information to the board of registrars. Therefore, the Code section setting forth this duty has merely been changed Section 17-4-131, and is found in the 1979 Cumulative Supplement to Vol. 13 of the Code.

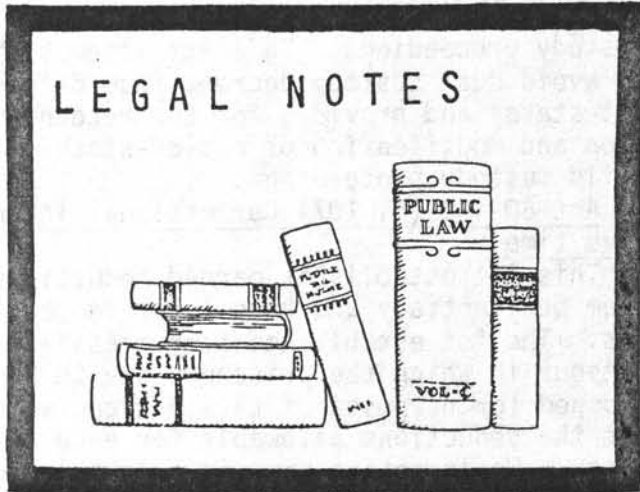
For further information regarding those crimes which have been established as crimes involving moral turpitude, please refer to your August, 1979, issue of Court News. An opinion of the Attorney General, released on August 10, 1979, dealing with this subject is reported therein.

Garnishments

Public Officials or Employees

In the recent case of Druid City Hospital v. Epperson, 378 So 2nd 696, (1979), the Supreme Court of Alabama upheld the garnishment of wages of public officials or employees of the State of Alabama. As a result of the opinion in this case, numerous processes of garnishment have been forwarded to the State Comptroller. Because the garnishment of the wages of public officials or employees is handled somewhat differently from other personal garnishments, the State Comptroller, Mr. George C. Dean, has asked the courts' assistance in working

(Continued on Page 21)



MISCELLANEOUS LEGAL NOTES

(Continued from Page 20)

with him on this matter.

Sections 6-6-480 through 484, Code of Alabama 1975, deal with garnishment of wages of public officials or employees. According to these Code Sections, the following process should be followed:

1. Upon final judgment only, a process of garnishment must be served upon the person authorized by law to draw the warrant on the treasury of said government or to issue a check for such salary so due (in this regard the State Comptroller);

Note: There must be a final judgment ex contractu. See Section 6-6-482, supra.

2. Such person (State Comptroller), as agent of the State, shall answer such process in accordance with the mandate thereof, and shall indicate in his answer that (1) the State of Alabama is due or will be due the defendant money for salary and (2) he assents and consents that judgment may be entered in the garnishment proceeding; Section 6-6-483, supra.

3. Following the State Comptroller's answer, a judgment shall be made against him, as agent of the State of Alabama, as garnishee, and said judgment shall show that he, as such agent of the State,

consented that such judgment be entered in the garnishment proceeding. The following is an example of an order from the court which may be used upon answer of the garnishee:

*****Sample*****

In the _____ Court of _____ County

_____ v. _____

Plaintiff Defendant

Case no. _____

Garnishee

Judgment ex contractu having been rendered against the above named defendant, your answer, showing your assent and consent that judgment may be entered for the amount necessary to satisfy plaintiff's judgment, having been filed with this court; the money answered indebted by you as garnishee on _____ date is hereby condemned and you are directed to send to the District Court/Circuit Court of _____ County, Alabama, a sum to be paid in biweekly installments, such as is necessary to equal the judgment and costs in the above styled cause.

Given under my hand this ___ day of ___ 19__.

District Judge/Circuit Judge

Mr. Dean has asked that the courts be informed that all garnishments on public officials or employees are not handled by his office. Only those officials or employees whose payroll warrants are processed by the State Comptroller should be sent to the State Comptroller's Office. All other processes of garnishment should be sent to their respective agency. The following is a list of agencies that should not be sent to the State Comptroller;

1. Department of Mental Health
2. Alabama State Docks
3. All institutions of higher learning. (Colleges and Universities)
4. All Trade Schools and Junior Colleges
5. All City and County Boards of Education

If you have any questions regarding this matter, please contact the legal staff at the Administrative Office of Courts.

'80 LEGISLATIVE SESSION PRODUCTIVE FOR JUDICIARY

(Continued From Page 6)

or traffic citation.

(S. 247) Corporations in Small Claims Court. (Effective upon signing by the governor)

This Act provides that corporations and partnerships may appear in small claims court without representation of an attorney. A non-lawyer representing a corporation must be an officer or full-time employee of the corporation.

(S. 73) Discharge of employee for jury service.

This Act prohibits any employer from discharging an employee solely because of service on any state or federal jury. The Act gives the employee a civil claim for relief for unlawful discharge and entitles him to recover both actual and punitive damages.

(S. 377) Controlled Substances.

This Act makes it unlawful to advertise or distribute any drug-related object, that is, any instrument, device, or object which is designed to introduce a controlled substance into the human body or enhance, test, prepare, conceal, or contain any controlled substance.

(H. 164) Military Service Credit.

This Act provides that any active and contributing member of the Employee's Retirement System or the Teacher's Retirement System may claim and purchase up to four years credit for United States military service. The option to obtain such military credit must be exercised and paid for prior to Oct. 1, 1981.

(H. 244) Commencement of Civil Action for Asbestos Injury.

This Act provides that the statute of limitations in regard to personal injury resulting from exposure to asbestos, including asbestos-containing products, shall commence to run from the first date the injured party through reasonable diligence should have reason to discover the injury.

Act 80-93 (H. 154) Child custody proceedings.

This Act adopts the Uniform Child Custody Jurisdiction Act and provides for the jurisdiction of the domestic or family re-

lations court of this state over child custody proceedings. This Act attempts to avoid dual custody decrees from different states and provides for the recognition and modification of out-of-state child custody proceedings.

Act 80-446 (S. 107) Correctional incentive time.

This Act establishes earned deductions from penitentiary and hard labor sentences. The Act establishes four classifications in which the prisoners are to be grouped for purposes of this Act and sets out the deductions allowable for each class. No incentive time is allowable for persons convicted for Class A felonies or sentenced to 10 years or more. Persons in Class I receive 75 days for each 30 days served; Class II, 40 days for each 30 days served; Class III, 20 days for each 30 days served; Class IV, no good time.

Under this Act, the court sentencing a person to prison shall note upon the transcript to accompany such prisoner the fact that he or she has been sentenced as a result of a crime that forbids his or her being classified as a Class I prisoner.

(S. 627) Restitution to victims of crimes.

This Act provides for restitution to victims of crimes by offenders, imposes penalties for default on payment by offenders, and provides for local restitution centers supervised by the State Board of Pardons and Paroles. The Act provides that a restitution hearing will be held following conviction regarding compensation for pecuniary damage to victims of crimes. All restitution payments will be paid to the circuit clerk as other fines and costs are paid.

(S. 258) Issuance of search warrants by magistrates.

This Act provides that a magistrate who was serving as a full-time magistrate or warrant clerk on Sept. 1, 1976, and who continued in such capacity as a merit system employee in the district court may issue search warrants even though he is not licensed to practice law in Alabama.



Unique experience for court clerk

By JACKIE BYRD
Press Register Reporter

BAY MINETTE, Ala. — The dark-haired woman seated in the twelfth seat of the trial jury box appeared more confident of her duty than most jurors normally do. She seemed so informed of the chain of events, possibly even expectant of actions yet to be taken.

That woman serving here last week on a jury during Civil Circuit Court was Eunice B. Blackmon, Baldwin's circuit court clerk. Mrs. Blackmon, several court officials say, is the first currently serving elected official in Baldwin ever to be chosen for jury duty and is definitely the first court officer ever selected for jury service.

The clerk's jury duty was made possible through a 1978 state law which eliminated all exemptions from jury service. According to Circuit Judge Wilson Hayes, the law prevents exemptions from service by doctors, lawyers and even judges themselves.

While Mrs. Blackmon was a "first" for the court, Hayes, who presided over the trial during which she served, stated that under the new law past jurors

have included a retired federal judge, lawyers, doctors and teachers.

With the court clerk being the first official "in memory" to serve, the judge added that a court official serving in her own court was a real "magnification of the duty." He went on to say that Mrs. Blackmon served on the panel with no special favors or notice and was an "exemplary juror."

Involved in courtroom activities for nearly 23 years, Mrs. Blackmon's recent jury service was also her first ever. After 14 years as deputy circuit clerk and nine years in the position of clerk, the juror says she has now "seen the other side of the fence."

Jury duty was an enjoyable experience, she stated, during which she learned of the average juror's opinions of the duty. The veteran court officer stated that she was "impressed" with the views and actions of her fellow jury members which led to a final verdict.

Looking back on her two-day stint as juror rather than clerk, Mrs. Blackmon concludes that "the system" of the courts is still in good working order.



(Mobile Press Register sketch by Mike Hammer)

This Clip From
MOBILE PRESS

Bloodworth given UA law honor

Alabama Supreme Court Justice James Nelson Bloodworth has been named Alumnus of the Year by the University of Alabama Law School

Bloodworth, formerly of Decatur, now resides in Montgomery. He was unable to accept his award at the Tuscaloosa campus because of an extended illness.

Bloodworth was co-organizer and co-chairman of the Circuit Judges Seminars, chairman of the Alabama Pattern Jury Instructions Committee, co-author of "Index to Alabama Constitutional Convention 1901," faculty advisor and lecturer for the National College of the State Judiciary and the American Academy of Judicial Education, Alabama Police Academy and served on the Appellate Judges' Seminars and other judicial seminars in other states.

He was born here in 1921 and graduated from Decatur High School. He considers Decatur "home" and adds, "I still vote there."

His father, the late Ben Bloodworth, was the editor of THE DAILY for more than 30 years. His mother, Marguerite Bloodworth, 82, still resides in Decatur.

Mrs. Bloodworth says she is particularly proud of her son for having a "wonderful Christian home, wife and daughters." She says he is "still awfully good to his old mama."

She said he got interested in law "at an early age, and never considered a career in journalism like his father."

He is an elder of the Presbyterian Church and a member of Kappa Alpha Order, Farrah Law Society, Omicron Delta Kappa and Phi Delta Phi. He is a past president of the Rotary Club of Decatur and the Decatur Boys' Club. He served as chairman of the Decatur Community Chest in 1948 and vice president of United Fund.

This Clip From
DECATUR DAILY

NEWS CLIPS FROM AROUND THE STATE

Former Circuit Judge Sharbutt gets UM award

Retired Circuit Judge James H. Sharbutt recently became the second recipient of the University of Montevallo's Outstanding Area Public Official Award.

Sharbutt, who recently retired after serving as judge of the 18th Judicial Circuit, also served as a lawyer, mayor of Vincent and district attorney for Shelby County during his career.

The citation from UM noted that Sharbutt "was such a respected jurist that he was never reversed by a higher court in any criminal case."

The retired judge, a 1950

graduate of the University of Alabama Law School, also is widely known as a humorist. He is married to the former Virginia Stallworth, a Montevallo graduate.

LAST YEAR, Rep. Walter Owens of Centreville received UM's first Outstanding Area Public Official Award.

Several other area elected officials were presented framed prints of a recent painting of the UM mascot, a falcon.

Receiving framed prints were Janice Proctor, for her husband, State Sen. Lister Hill Proctor of

Sylacauga; Rep. Curtis Smith of Clanton; Sen. Pascal P. Vacca of Tarrant City; Sen. John Teague of Childersburg; Rep. Owens; Rep. J.T. "Jabo" Waggoner of Vestavia; Rep. John Amari of Birmingham, a UM alumnus; Rep. Sonny Moore of Sterret; Rep. Wallace Shoemaker of Childersburg; Rep. Fred Horn of Birmingham, a UM alumnus; Montevallo Mayor Ralph Sears and Shelby County Commission Chairman Thomas A. Snowden Jr.

Smith announced during the banquet that he was donating a

copy of the Code of Alabama to the UM College of Business.

A special plaque went to Vacca from the UM Student Government Association for his contributions to establish and maintain a student loan fund.

Also honored during the banquet was Columbiana lawyer and former legislator Karl C. Harrison. Harrison introduced the bill to allow male students to attend Alabama College (the University of Montevallo) and also introduced legislation that created the nation's first educational television network.

This Clip From
BIRMINGHAM NEWS



COURT NEWS

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