



STATE OF ALABAMA
ADMINISTRATIVE OFFICE OF COURTS
817 South Court Street
Montgomery, Alabama 36130

ALABAMA COURT NEWS

Newsletter of the Alabama Judicial System

October, 1985

Five Counties Aided by Pilot DUI Program

Beginning October 1, 1985, district judges in five court sites will have professional assistance in dealing with DUI defendants with serious alcohol problems.

This assistance will be provided by court referral officers who are being assigned to the district courts in Dale, Montgomery, Morgan, and Clarke/Monroe counties.

The primary purpose of the court referral officer program is to provide a professional evaluation of DUI defendants and to recommend to the judge appropriate resources to which defendants with alcohol problems may be referred for counseling and treatment.

The pilot program is a result of an intensive study by the Municipal Court Operations Division of the Administrative Office of Courts and the Judicial Study Commission's DUI court referral program subcommittee chaired by District Judge Val McGee of Ozark.

"The CRO is the key to an effective DUI Court Referral program," stated District Judge Harold Crow of Clarke County. "This person will provide the
(See *DUI*, Page 2)

Eufaula Attorney Appointed To Alabama Supreme Court

Eufaula attorney J. Gorman Houston, Jr., has been appointed by Gov. George C. Wallace to fill the unexpired term of Justice Eric Embry on the Alabama Supreme Court.

"I am so honored to have been appointed to the Alabama Supreme Court by Governor Wallace.



Houston

"I pledge to the citizens of my native and beloved city, that, with God's help, I will be the very best Supreme Court Justice that I am capable of becoming -- mentally, physically, spiritually, and morally," Houston said.

Justice Embry retired after ten years' service on the Court. He took the oath of office as a Retired Supreme Court Justice, which was administered by Justice Reneau P. Almon, on September 18.



Embry

Embry will continue to serve as an adjunct professor in the University of Alabama at Birmingham

Department of Criminal Justice graduate program in forensic science and on the Graduate Thesis Committee.

"I have enjoyed my work with the court system. It has been very gratifying to work with the other justices and with the members of the court staff," Justice Embry said.

A graduate of Auburn University and the University of Alabama School of Law, Houston is a member of the American, Alabama, and Barbour County Bar Associations. He has served as one of three members of the State Bar Disciplinary Commission.

Houston was president of his freshman class at Auburn and a member of Sigma Nu social fraternity.

He was named "Outstanding Freshman Law Student" by the faculty; a member of Omicron Delta Kappa leadership fraternity; a member of the Board of Editors of the Alabama Law Review; and a member of the Farrah Order of Jurisprudence. He was president of his Law School Senior Class and was named "Outstanding Graduate" by Phi Delta Phi legal fraternity.

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Judicial Compensation Report Adopted by State Legislature

The Legislature has passed and the Governor has signed Senate Joint Resolution 10 which adopts the report of the Judicial Compensation Commission filed with the special legislative session which convened on August 28.

The report increases

the state compensation of district judges to \$1,000 less than the state salary of circuit judges and fixes the compensation of appellate judges at amounts varying from \$1,000 to \$3,000 above the total compensation of circuit judges. The new salaries become effective on October 1, 1986.

DUI

(Continued from Page 1)

courts with the expertise in alcoholism so that we may identify any defendants with serious alcohol dependency and place them in the most appropriate program for dealing with their alcohol problem," added Crow.

Utilizing nationally validated tests such as the Mortimer/Filkins examination along with other information about the defendant, CRO's will evaluate DUI defendants to determine their present level of alcohol involvement.

Following the evaluation, the CRO will recommend to the judge an appropriate treatment program for the defendant at a local resource facility. In areas where public or private treatment programs are not available, the court referral officer will also be involved in the development of local community resources.

After sentencing, the CRO is responsible for keeping the judge informed on the progress of the defen-

dants and notifying the court of any defendants who have failed to fulfill the requirements of their court-ordered treatment program.

"Just as judges have needed professional assistance in the juvenile courts, we in the traffic courts have also needed professional assistance in dealing effectively with DUI defendants," said David Bibb, District Judge in Morgan County. "The court referral officer can provide judges with the information upon which we can make more effective sentences. The CRO will also provide us an important link to the defendant while he is carrying out the conditions of his sentence," stated Bibb.

"The CRO Program is one of the most innovative programs to be implemented by the judicial system," said Allen L. Tapley, Administrative Director of Courts. "It offers a long-range approach to reducing the incidence of death on our highways as a result of DUI."

Leave Policy Announced For Religious Holidays

Governor George C. Wallace has authorized administrative leave for State employees of the Jewish faith for the following religious holidays:

Rosh Hashanah -
Mon., Sept. 16, 1985

Yom Kippur -
Wed., Sept. 25, 1985

This leave is authorized by § 36-26-34, Code of Alabama 1975.

Leave records for those employees of the Jewish faith (who were required to take leave on these days) should be adjusted.

HOUSTON

(Continued from Page 1)

Houston said serving on the Supreme Court has been a goal for him since he served as a Law Clerk for then Chief Justice J. Ed Livingston after graduation from law school.

Since 1960, he has practiced law in Eufaula where he has been active in civic affairs. He served on the Eufaula City Council and as Mayor Pro Tem.

He was Eufaula "Citizen of the Year" in 1979, and is a past president of the Eufaula Heritage Association, the Chamber of Commerce, Kiwanis and Rotary clubs.

Houston is an active lay leader in the First United Methodist Church of Eufaula. He is married to the former Marthur Martin of Clayton. They have two children.

Conference of Chief Justices Elects Torbert

Alabama's Chief Justice C. C. Torbert, Jr., has been elected first vice president of the National Conference of Chief Justices and has been recommended by the Conference for appointment by The President of the United States to the Board of Directors of the State Justice Institute.

The conference is composed of the highest judicial officer of each state, the District of Columbia, the commonwealth of Puerto Rico, and the U. S. territories.

Torbert has been a member of the conference since he became chief justice in 1977 and has served on the conference's board of directors since 1980.

"It is indeed an honor to have been nominated by the Conference of Chief Justices for consideration by The President, and I shall look forward to serving on the Board if selected," said Justice Torbert.

The purpose of the State Justice Institute is to further the development and improvement of judicial administration in the state courts.

The Conference of Chief Justices recommended a list of 17 individuals whom they consider "best qualified to serve on the State Justice Institute Board." Seventeen states from all sections of the country are represented and three women and two minorities are

included.

Torbert was recommended for the appointment by Chief Justice Alfred G. Schroeder, Supreme Court of Kansas. "Chief Justice Torbert has made significant contributions to the improvement of the judiciary at the national level. His extensive background in government service and his eight years experience as chief administrator of a state court system provide him a unique perspective on the needs of the courts and the civil and criminal justice communities," said Justice Schroeder.

The conference's annual meeting was held in Lexington, Ky., in August.

Judges Appointed to Child Abuse Advisory Panel

Montgomery Circuit Judge John W. Davis and Lamar County District Judge William D. Winston were recently appointed



Davis



Winston

by Chief Justice C. C. Torbert, Jr., as members of the Ad Hoc Child Abuse Protection Team Advisory Committee.

During the last regular session, the legislature

passed Act 85-682 which established multi-disciplinary child protection teams throughout the state. These teams are charged with responsibility for providing medical and psychological programs for abused children and their families, improving interagency coordination, and educating the community about child abuse and neglect.

The advisory committee is responsible for developing the guidelines and procedures under which the child protection teams will operate.

In making the appointments, Chief Justice Torbert stated, "the work of the advisory committee is ex-

tremely important to the children and families of Alabama and will have a long-range impact on the quality of life in our state."

The committee will be chaired by Governor George Wallace or his designated representative and includes among its membership the Director of the Department of Pensions and Security, the President and Executive Director of the Child Abuse Trust Fund, President of the state Parent Teacher's Association, Chairman of the Victims' Compensation Commission, and Executive Director of the Office of Prosecution Services.

Students Learn About Laws and Courts

YMCA Sponsors Mock Trials

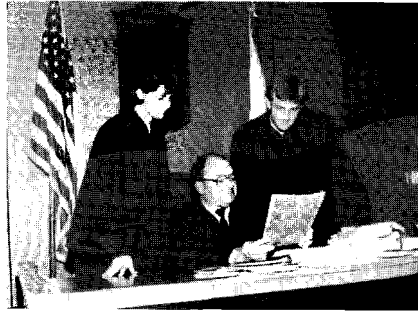
High school students learn firsthand about laws and the court system each year by participating in the YMCA's Youth Judicial program.

Each year, high school students from cities throughout the state participate in mock trials at the local level and then engage in statewide competition in Montgomery in the spring, with teams from one city competing with teams from another city.

Each team is furnished with a factual situation and student attorneys secure their own witnesses and then try their case before a student jury. The mock trials at the state level are tried before juries composed of students who are delegates to the Alabama YMCA Youth Legislature.

"The primary goal of the Youth Judiciary Program is to provide high school students with a better understanding of Alabama's court system by giving them an opportunity to learn about the court system firsthand," said Justice Hugh Maddox, who was instrumental in establishing the program.

The objectives of the Youth Judicial Program are: 1) to learn through experience and practice the judicial process of the State of Alabama; 2) to learn and practice citizenship roles in the judicial process as attorneys, jurors, witnesses, and interested parties;



STUDENTS IN COURT -- Circuit Judge Joseph D. Phelps, Montgomery, explains matters of court procedure to Caroline McDonald and Cole Portis.

3) to understand and appreciate some of the problems of justice under due process of law; 4) to develop appreciation of laws, police, judges, and attorneys who are an integral part of the judicial process; and 5) to understand the importance of and to develop a willingness to accept jury duty and other responsibilities of citizenship.

Both active and retired judges are encouraged to assist with the local mock trials. District attorneys and defense attorneys are needed to assist the youth in preparing the cases and bringing them to trial at the local level before going on to regional competition.

Chief Justice C. C. Torbert, Jr., and Allen L. Tapley, Administrative Director of Courts, have expressed support for the program and urge the cooperation of local judges and court personnel in making the mock trials as realistic as possible.

"These programs offer judges an excellent opportunity to increase law and court-related education

Groups Adopt LRE Resolutions

Realizing that cooperation between the judicial and education systems in presenting a law-related education program yields many benefits, the Conference of Chief Justices and the Conference of State Court Administrators have endorsed resolutions supporting a series of law-related education regional conferences involving the judicial and educational leadership of each state in the region.

The conferences will be held in conjunction with the bicentennial of the Constitution.

The Conferences also adopted resolutions which endorse the concept of a national mock trial competition sponsored by the American Bar Association Special Committee on Youth Education for Citizenship.

"We are pleased that these matters are receiving national attention. Alabama can be proud of the fact that we have once again pioneered a program that has become national in scope," said Allen L. Tapley, Administrative Director of Courts.

in our school systems," said Justice Torbert. "They can play a key role in getting these mock trials started in their localities and can assist greatly in helping teachers get local defense attorneys and district attorneys to participate," he said.

(See **YMCA**, Page 7)

Torbert, Godbold Address Court Delay Conference

Alabama Chief Justice C. C. Torbert, Jr., and John C. Godbold, Chief Judge of the Eleventh Circuit, United States Court of Appeals, were program participants at a national conference on reducing court delay held September 5 - 7 in Denver.

The conference, sponsored by the National Center for State Courts, was the first major national gathering in thirty years to focus attention on the problem of delay in the nation's courts. Judicial leaders

from the state and federal courts in all fifty states attended.

Both Torbert and Godbold participated in panel discussions on effective case management programs. "The key to successful case management in Alabama," Torbert told the conference, "is the commitment of our local trial judges. Our judges take pride in having well-run courts. They recognize that effective case management is to the advantage of the courts, the bar, and community."

AOC Helps Solve Storage Problem

As in most circuit clerk's offices, the need for records storage space in Mobile has increased at a faster pace than the physical office facility. The growth in the number and size of court records resulted in file cabinets and boxes of case files, docket books, depositions, and exhibits being stored in the hallway surrounding the clerk's office.

Responding to a request by Presiding Circuit Judge Ferrill D. McRae, Larry Forston and Steve Tomberlin analyzed the problem and developed a strategy for solving the immediate problem and assisting court employees in implementing a long-range solution.

By implementing the trial courts records retention schedule, 660 books and

57 cubic feet of unbound records which had been microfilmed were disposed of at the county landfill. Disposal of these records, which had been stored in the clerk's storage area in the basement, freed up space for the records which had been stored in the hallway.

"The immediate approach of implementing the records retention schedule and the shifting of permanent court records has improved the appearance inside the courthouse and increased the security of the records substantially," said Judge McRae.

"Our long-range approach to microfilming and closely following the records retention schedule should assure that this situation never occurs again," he said.

Allen Tapley Nominated for Starr Award

Allen L. Tapley, Administrative Director of Courts, has been nominated for the American Bar Association's 1985 Isidore Starr Award for Special Achievement in Law-Related Education.

In nominating Tapley for the award, Walter R. Byars, President of the Alabama State Bar, cited him for his "efforts in behalf of the expansion and enrichment of law-related education for the youth of Alabama as well as other states."

In letters supporting Tapley's nomination, State Superintendent of Education Wayne Teague and Dr. Paul Hubbert, Executive Secretary of the Alabama Education Association, praised Tapley for his long-standing belief in the value of law-related education, his leadership in developing teacher resources and materials, and his commitment to the young people of Alabama.



Lowndes County District Judge Ted Bozeman is the recent recipient of the Governor's Judicial Conservationist of the Year Award.

Perry County Clerk's Office Features "Neighborly" Service

Need to pay a speeding ticket a state trooper gave you last week? Go to the Traffic Division.

Need to inquire about a juvenile case? Go to the Family Court Division.

Need to file a civil case? Go to the Circuit Civil Division.

To do these things in a large, metropolitan court, you would need to see three different people in three different offices, probably in three different locations.

But in rural Perry County, one person in the Circuit Clerk's office handles all of these matters.

In contrasting her office with larger ones, Mary Auburtin, Circuit Clerk of Perry County, says, "I do everything from working the counter, to filing cases, to processing traffic tickets, to handling small claims."

Mary runs the clerk's office with a total of three employees. She is proud of them and, while they all have assigned duties, each is a generalist as opposed to a specialist and can handle most anything that comes up.

"We all -- the four of us -- issue warrants. One of the girls is on call every third weekend, and I handle the night calls," Mary said.

Nina Poole is the Chief Deputy Clerk and bookkeeper.

Connie Scott handles traffic and district criminal

cases and answers all incoming telephone calls, while Bennie Jo deYampert is responsible for child support, juvenile, and small claims.

This year, Perry County will hold five jury sessions and twelve nonjury sessions and arraignments to handle some 2100 cases. When Mary knows the judge is coming on a nonjury day, she works diligently to be ready. She sets all pretrial hearings and motions, readies papers for the judge's signature, etc. "It's quite different than having a circuit judge present at all times," Mary said.

Mary was appointed clerk in 1963 by Judge L. S. Moore. She ran and was elected in 1964 and has served ever since. She was born in Perry County and raised in Marion. Her father, J. C. Griffin was elected sheriff three times beginning in 1939 and served as Probate Judge twice.

Mary plans to retire in 1989, at which time either she or her father will have worked in the Perry County Courthouse for 50 years.

"I started to work part-time in this office when Mr. Theo. Hurt was the Circuit Clerk. He was elected in 1928 and served until his death in 1963," Mary said.

"Mr. Hurt was a fee clerk and was paid from fees generated by cases filed. The volume of cases



Circuit Clerk Mary Auburtin, Connie Scott, Nina Poole, and Bennie Jo deYampert.

was so small that he had to combine his farming operation with his duties as clerk and each fall he would leave the office to work in the hay fields," she recalled.

Even though the workload has increased many times and there is certainly no time to go to the hay field anymore, Mary's office still conducts business in a neighbor-to-neighbor manner.

When an individual comes into the office to either file or answer a small claim, the girls in the office explain what is involved and type up the paperwork for them.

"Most of the time, people admit when they owe a debt, but often they don't have the money to pay all of it at one time. We let them pay in three payments. That way, they don't get a judgment against them. It's dismissed. We're a small town and we know all these folks. This puts it on the level of neighbors being neighbors and, consequently, we don't have many small claims judgments in Perry County," Mary said.

Johnstone Appointed To Circuit Judgeship

Mobile District Judge Douglas I. Johnstone has been appointed by Gov. George C. Wallace to fill the vacancy on the circuit court created by the retirement of Judge Robert E. Hodnette.



Johnstone

Judge Johnstone assumed the circuit judgeship on August 29, 1985, after serving as district judge since June, 1984.

Holloway Appointed In Houston County

Dothan attorney Denny Holloway assumed the new district judgeship in Houston County on October 1.



Holloway

Holloway, 38, received his undergraduate and law degrees from the University of Alabama. He has practiced law eight years in Dothan, has been the municipal judge for Slocomb since 1976, and a public defender in Dothan for three years.

YMCA

(Continued from Page 4)

Two hundred ninety-two students from throughout Alabama participated in the state mock trial last April, with five cities entering teams in the competition. "We are interested in getting an even broader participation from other cities in the state next year," said Bill Barringer, Executive Director of the YMCA Youth Legislature. "Interested high school students from cities which do not have a local 'Y' can participate in the program by forming a Youth in Government Club," he said.

Any judge or court personnel interested in participating in or starting a program should contact Bill Campbell at the Administrative Office of Courts.

Judges' Courses Set Oct. 15-17

Alabama's Circuit and District Judges will convene at Farrah Hall on the University of Alabama campus in Tuscaloosa for their fall judicial courses on October 15-17.

Judicial College 1985-86 Planning Set

Education planning committees will meet to chart courses and recommend faculty for the upcoming year's Alabama Judicial College program.

The meetings are scheduled as follows:

Clerks & Registers: Sept. 26-27
Court Reporters: Oct. 11
Municipal Judges: Oct. 18
District Judges: Oct. 24-25
Circuit Judges: Oct. 31-Nov. 1
DUI Instruction: Nov. 6
Judicial Secretaries: In Feb.

The Juvenile Courts



of

Alabama

Brochure Answers Many Questions

"If I am arrested, can I be locked up?"

This and many more questions are answered in the new brochure, "The Juvenile Courts of Alabama."

The brochure is written in easily understood terms and phrases and provides answers to the questions most asked by young people about juvenile arrests, prosecution, and the consequences. Copies are available from the Administrative Office of Courts upon request.

Dependent Coverage Deadline Set Nov. 1

The final open enrollment period for UJS employees to add dependent health insurance coverage is Nov. 1, 1985.

To begin coverage on this date, an enrollment form must be completed and signed by the employee and forwarded to arrive in the Personnel Division at the Administrative Office of Courts no later than October 11 for deduction from the October 25 warrant.

If enrollment forms are received too late for a payroll deduction, employees must prepay the premium of \$82.50 by personal check or money order made payable to the State Employees Insurance Board, to be received by the Personnel Division no later than the last working day of October.



Teacher Workshop----(l-r) Dr. Adolph Crew, Chairman and Professor of Secondary Education, University of Alabama; Thelma Braswell, Director, Alabama Judicial College; Supreme Court Justice Oscar Adams; Julia M. Dawson, Sumter County School System.



Shown above are some of the 32 Alabama social studies teachers from 25 school systems who attended the recent teacher workshop in Tuscaloosa.



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