

COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

March, 1981

LEGISLATIVE PROPOSALS TO A JOINT MEETING OF THE JUDICIAL BRANCHES AT THE MIDWINTER CONFERENCE IN BIRMINGHAM

The Alabama Judicial System is currently reviewing legislative proposals to a joint meeting of the judicial branches at the recent midwinter conference, asking the legislature to act during the present legislative session.



CIRCUIT JUDGES DURING BIRMINGHAM MEETING



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CIRCUIT, DISTRICT JUDGES HOLD MIDWINTER CONFERENCE IN BIRMINGHAM

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President John David Snodgrass of Huntsville and District Judge Association President John Karrh of Tuscaloosa opened the conference on Thursday.

State Bar President E.T. Brown of Birmingham addressed the group on matters of interest to both the bench and the bar. He encouraged the two groups to "toot your own horns. I don't believe the public knows the work the Judicial College is doing. They don't know that their state judges are constantly being educated and judges ought to tell the public this. Judges and bar members are also trying to police themselves through their respective grievance boards and we don't let



JUDGES LISTEN...As governor makes speech



GOVERNOR FOB JAMES...Addresses state judges as (from left seated) District Judge John Karrh, Circuit Judge John David Snodgrass and Chief Justice C.C. Torbert Jr. listen

the public know this. Both groups need to work together to improve justice," he said.

Brown said he would like to see more of an overlap between the bar and the bench so that the two groups could face common problems together.

Circuit and district judges broke into separate sessions to study areas of particular interest to each group. Circuit judges heard Attorney David Strawn of Akerman, Senterfitt and Edison of Orlando and Circuit Judge Robert E.L. Key of Evergreen talk about Innovations in Delivering Charges to the Jury. District judges participated in a session on Trials of Traffic Cases (DUI, Radar, Overweight

Vehicles) with L. Scott Atkins, assistant district attorney, 4th Judicial Circuit, and District Judge James A. White of Centreville.

Following association business meetings, circuit judges heard Recent Developments in Criminal Law with Joseph Marston, III, assistant attorney general, and participated in a session on Sentencing: Habitual Offender Law/Correctional Incentive Law/Restitution with Circuit Judge Joseph A. Colquitt of Tuscaloosa leading the discussion. District judges discussed Search Warrants with Circuit Judge Joe Barnard of Birmingham and District Judge Newman C. Sankey of Montgomery.

On Friday, circuit judges heard Supreme Court Clerk J.O. Sentell and Circuit Judge Jack Wallace of Clayton discuss Pitfalls

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GROUP GATHERS AT PODIUM FOLLOWING MEETING



NEWS FROM THE JUDICIAL COLLEGE

COURT REPORTERS MEET IN MOBILE FOR EDUCATIONAL CONFERENCE

The annual Court Reporters' Educational Conference sponsored by the Alabama Judicial College was held Jan. 22-23 at the Sheraton Inn in Mobile. Fifty-nine official and free-lance writers were in attendance. The agenda included a panel discussion about transcripts in Alabama's appellate courts. Panel members were: David Miller, president of the Alabama Shorthand Reporters Association; Dorothy Norwood, deputy clerk, Supreme Court of Alabama; John L. Wilkerson, clerk, Court of Civil Appeals; Rosemary Houk, coordinator of state court reporters; Deborah Hay, coordinator of the state microfilm project, and Nancy Morochnick, administrative assistant, all three with the Administrative Office of Courts.

Participation from the audience was enthusiastic during the discussion of transcript problems. Miss Hay discussed the records retention schedule for State of Alabama records and she distributed copies of the schedule which has been approved to date on court reporter records.

Also on the agenda were skill-building workshops for machine and Gregg writers. The machine session was instructed by Jerre L. With of Fivecoat & With in San Diego, Calif., and the Gregg writers were addressed by Sally J. Cochran of Pudlo, Sewell & Heilig in Chicago, Ill.

CLERKS AND REGISTERS CONTINUE STUDY OF MANAGEMENT TECHNIQUES

The Alabama Judicial College will present its third session in Management Training for clerks and registers on March 18-20 in Birmingham at the Quality Inn and March 25-27 in Montgomery at the Downtowner. The sessions will deal with Human Resource Management, Organizational Communication and Time Management.

All of the seminars have presented different aspects of management using professors from the School of Commerce and Business Administration of the University of Alabama. The March seminars will be presented by Dr. Mickey Petty,

Human Resource Management; Dr. Hazel Ezell Time Management. Dr. John Hatfield of the University of Georgia will present Organizational Communication.

CIRCUIT, DISTRICT JUDGES HOLD BIRMINGHAM MEETING

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In Judgments followed by a "Bring Your Own Problems" session. Circuit Judge Edgar Russell of Selma led the one-to-two judge circuit group discussion; Circuit Judge Perry Hooper of Montgomery led the three-to-six judge circuit group; Circuit Judge Joseph Hocklander of Mobile led the seven-or-more circuit judge group and Circuit Judge Wadell C. Zanaty of Birmingham led the Domestic Relations/Family Court judge group.

District judges, on Friday, held a video tape/group discussion on Evidence led by Supreme Court Justice Samuel A. Beatty and District Judge C. Kendall Snow of Linden.

TEAMS FROM MOBILE, BIRMINGHAM ATTEND COURT DELAY WORKSHOP

Teams from Mobile and Birmingham participated in the recently completed Regional Workshop on Reducing Trial Court Delay in Orlando, Fla., sponsored by the National Judicial College.

The teams, consisting of judges, clerks, court administrators and attorneys included from Mobile: Presiding Circuit Judge Joseph M. Hocklander, Circuit Judge Braxton Kittrell Jr., Circuit Clerk Maurice Castle Jr., Mobile Bar Association President W. Boyd Reeves and Attorneys Michael D. Knight and Robert L. Boyd; and from Birmingham: Presiding Circuit Judge E. Thomas Huey Jr., Circuit Judges Marvin Cherner and John N. Bryan Jr., Circuit Clerk Polly Conradi, Court Administrator Pete Summer, Birmingham Bar Association President James C. Barton and President elect John Morrow and Attorneys D. Leon Ashford and Thomas W. Christian.

Attending the session from the Admini-
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CLERKS AND REGISTERS MEET IN TUSCALOOSA FOR MIDWINTER CONFERENCE

Circuit and district court clerks and registers held their mid-winter conference in Tuscaloosa Feb. 5-6. A report by Administrative Director of Courts Allen L. Tapley on the state of the judiciary sparked discussion concerning current legislative proposals and the proposed judicial system budget.

Deborah Hay and Randy Helms of the Administrative Office of Courts staff discussed the Record Retention and Disposal program and issued inserts on the schedule to be included in the Clerks Manuals.

Supreme Court Clerk J.O. Sentell and Circuit Clerk Stella Pierce of Chambers County led a discussion of Criminal and Civil Final Minutes. Following this presentation, clerks broke into their respective association committees and then met in a full association meeting.

On the final day of the conference, five mini-seminars were held where participants chose two of most interest to them. The seminars included Defaults led by Circuit Clerks Devon Kiker of Russell County and Ronald Harwell of Sumter County and District Clerk Elizabeth Hamner of Tuscaloosa County; How To Compute Jail Time led by Circuit Clerk Bobby Branum of Butler County; Problems With Aid To Dependant Children led by Register Barbara Pippin of Calhoun County and Bill Moman of the Department of Examiners of Public Accounts; Jury Management led by Circuit Clerk Julia Trant of Houston County; and Innovations in Clerks and Registers Offices. The final session dealt with three primary areas, cash registers, word processors and computers, and discussions were led respectively by Circuit Clerks Morris Moatts of Chilton County and Sam Grice of Talladega County and Robert Bradford of the AOC.



*CLERK MARY AUBURTIN...
of Perry County talks*



*CLERK SARA BLACKWELL...of Colbert County
and Register Margie McLeod (right) of
Lowndes County listen to presentation*



CLERKS AND REGISTERS ATTENDING MEETING



*TUSCALOOSA COUNTY DISTRICT CLERK...
Elizabeth Hamner and Circuit Clerk Billy
Harbin of Huntsville during meeting*

TAPLEY TRAVELS TO 31st CIRCUIT; TALKS TO STUDENT, CIVIC GROUPS

Administrative Director of Courts Allen L. Tapley spent Feb. 11-12 in Colbert County speaking to high school seniors, civic organizations, the Bar Association and visiting local court employees.

Tapley addressed approximately 800 high school seniors in separate assemblies at Cherokee, Colbert County, Colbert Heights, Deshler, Muscle Shoals and Sheffield High Schools. Stressing the importance of law in our society, he strongly encouraged students to become knowledgeable, active participants in their government and their communities.

Tapley, Circuit Judges Inge Johnson and Pride Tompkins and District Judge George Carpenter also fielded a wide range of questions concerning the courts. Students were most interested in the juror system, criminal processes--especially sentencing patterns--the procedures for handling cases in the courts and career opportunities in the justice field.

Colbert County educators have been very active in the justice education program. Two of the county teachers, Doug Worley, social studies teacher at Muscle Shoals High School, and Mary Ann McCoy, social studies teacher at Colbert County High School, have participated in teacher workshops on developing a course of study for justice education. The interest and commitment of the Colbert County teachers in providing justice education for their students was evident by the students' reception to the educational presentation and the questions which were posed to both Tapley and the judges of the 31st Circuit.

Circuit Clerk Sara Blackwell arranged for Tapley to meet informally with the local court employees. Judge Tompkins invited Tapley to address a meeting of the Colbert County Rotary Club and Steve Baccus, president of the Colbert County Bar Association, arranged for Tapley to address an assembly of the Bar.

ETHICS REPORT MUST BE FILED

Many court officials and employees of the state Judicial System are required to

file a yearly ethics commission report. If either of the following two conditions apply, a report for the calendar year in which the condition first occurred must be filed: Your annual salary is \$15,000 or greater; You reach a biweekly gross salary of at least \$577.

The Ethics Commission is currently mailing blank reports to officials and employees who, according to its records, are required to file the report. It is the employees' responsibility to see that a blank report is received and filed with the Commission by April 30. Blank reports may be obtained by contacting the Administrative Office of Courts Finance Division.

TEAMS FROM MOBILE, BIRMINGHAM

ATTEND COURT DELAY WORKSHOP

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strative Office of Courts were Frank Gregory, director of State Court Operations; Bill Campbell, director of Planning, Development, Research and Municipal Courts; Hunter Slaton, assistant director of State Court Operations; and Mike Carroll, coordinator of Case and Jury Management.

The Birmingham and Mobile groups were among representatives from 35 major American cities included in the workshop project funded by the Law Enforcement Assistance Administration of the U.S. Department of Justice. Co-sponsored by the National Judicial College and the Institute for Court Management, the workshop series was designed to reduce delay in courts with a jurisdiction over a minimum of 400,000 people.

MILEAGE REIMBURSEMENT INCREASED

Gov. Fob James announced Jan. 20, that: "In accordance with Section 36-7-22, Code of Alabama 1975, as amended, I am approving an increase in the rate per mile to be paid to persons traveling on official State business in privately-owned vehicles."

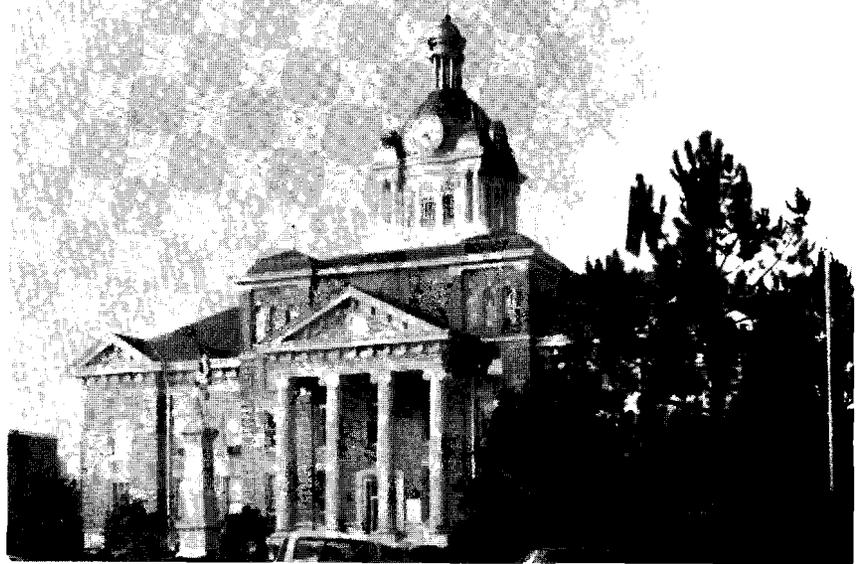
The new rate, announced by the governor for all state employees traveling on official state business, was established at 20 cents per mile and went into effect Feb. 1, 1981.

FAYETTE COUNTY COURTHOUSE

SEVENTH BUILT AFTER THREE BURNED DOWN

Fayette County was organized in 1824 and contained most of what is today Lamar County. It was named for the Marquis de LaFayette.

The town of Fayette, which was called Fayetteville at the time, was located about a mile north of the new Georgia Pacific Railroad built through Fayette County in 1883. A short time after the railroad



PRESENT FAYETTE COURTHOUSE--SEVENTH IN COUNTY HISTORY



FAYETTE CLOCK TOWER HAS ITS OWN HISTORY

The clock on the Fayette County Courthouse has its own history. The original plans for the courthouse included four similar columned entrances but because of excessive cost, these plans did not materialize. The clock was installed in 1911 and was designed with four faces so that each entrance would have its own face.

Newspaper articles down through the years have kept a rather accurate history of the clock. In 1929, a reporter called it a "stubborn clock." In 1930, the following was reported: "Our courthouse clock is both deaf and dumb and now has its hands over its face and refuses to move. We call upon our good officers to make it move its hands or paint its face so it cannot be seen. It has been 7:37 o'clock on the east face for nearly a month...time is not supposed to stand still." In 1935, a newspaper had a column entitled, "Tower Clock In 12th Year of Silence."

In 1938, the clock was reworked and in 1948 it was repaired and electrified.

was built, the people began moving near the depot for convenience and to save the transportation of goods from the railroad to Fayetteville. The principal objection to the new location was the fact that a considerable portion of the territory was covered with water during the winter and spring. Because of this, the name Frog Level was given to the area and a post office was established bearing the name. The succeeding postmaster changed the name to Alfreda in honor of his wife. The next postmaster changed the name to Icy in honor of his daughter. The name was later changed to Fayette Depot and in 1891, a general election was held during which the name of the town was changed to Latona. Latona was incorporated in 1891 and the boundaries extended one-half mile in each direction from the depot, the northern line bordering the corporation line of Fayetteville.

The first court of Fayette County was held at "Van Hoose's Store." Little information other than local folk lore exists about the first two courthouses, and the only information available concerning the third courthouse was that it burned in 1854.

Shortly after the 1854 fire, a fourth courthouse was constructed by contractors John J. Spain and Ira D. Farmer. This courthouse, too, was destroyed by fire along with most of the court records. It was discovered some 75 years later, that this fire was the result of arson.

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FAYETTE COUNTY COURTHOUSE

SEVENTH NOW IN USE;

THREE BURNED DOWN

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It wasn't until 1868 that a fifth courthouse was constructed by John C. Robertson. During the interim period, court was held in Robertson's tavern. There are no known pictures of the fifth courthouse, located in what is called "Old Town," however, a newspaper account of "Old and New Fayette" appearing in the Birmingham News in 1900 lent the following description... "a brick house of old-fashioned architecture, with large white columns supporting an extended portico stood in the center of the square. It was the temple of justice, the pride of the citizens both town and country. Surrounding it was a neatly kept lawn enclosed by a low fence. Round this in turn were the hitching posts and on court days or during occasions of public interest, these were all in use, securing the tethered mounts of the people from the county precincts. The town lay to the four sides of the courthouse square and spreads into pretty groves on rolling table lands."

Around 1890, discussion of the construction of a new and more modern building became a lively issue. Some wanted to move it to a new location, while others desired the old site. The agitation became so insistent that a legislative act of 1890 called for the erection of the courthouse and other public buildings. The commission was given the stipulation that the courthouse site be located within one mile of the site chosen for a permanent county seat.

Three locations were put into nomination: 1) The present Fayetteville courthouse site; 2) Depot Town as it was called at the time; and 3) Center, a place supposed to be the geographical center of the county. An election produced no majority choice so a "run-off election" was held to choose between the two public favorites--Depot Town and Fayetteville.

Between the time of the two elections, the following poem authored by attorney Robert F. Peters was published in the

Sentinel, a weekly Fayetteville newspaper, accompanied by a crude picture of a man with a courthouse on his head with the caption "Whar I Gwine To Loquate dis cote house?"

Location Postponed

The locations postponed, The locations postponed! And people were in clusters discussing, Some were bereft--for the old court was left, And two months more given for "cussing." The gander on the court square folded her tail, As a suitable symbol of sorrow, And the goose by her side, said "the old gander had hid, Or she'd be out in mourning tomorrow." "How I wish" said the goose, "I could be of some use, In carrying the town to the depot, During a freshet I'd swim, with a rush and a vim, And wade to the edge of the water looking 'so-so.'" "Very fine it may be, but don't you come to me," Said the frog, with a terrible croaking; "Let the courthouse lie, til the 'center' of July, The people are all just joking."

The new courthouse was erected on a new site in Fayetteville in 1891-92 and the name of the county seat was changed to Fayette by popular vote in 1898. The new and sixth structure was designed by E.J. Ostting, a Montgomery architect, as was an addition to the courthouse added in 1906. The new courthouse, however, was destroyed by fire along with most of Fayette's business district on Friday, March 24, 1911. The fire swept the town, burning most of it in one hour and forty minutes. The circuit clerk's records were saved, but the chancery records were lost in the fire.

At the time of the 1911 fire, a murder trial was underway (State vs. Elmer Olive) and the trial was concluded in the Methodist Church building. The remaining cases on the docket were held in old shacks to the west of the courthouse site.

A construction contract for the seventh and present courthouse, located on the same site was awarded to the Little-Cleckler Construction Company of Anniston on April 17, 1911. The courthouse was completed and the spring term of court was held in the new building in 1912.

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TEACHERS DEVELOP LAW-RELATED CURRICULUM MATERIALS FOR STATEWIDE USE

Teachers representing the state's public school systems met at Auburn University at Montgomery Feb. 28 to review and critique proposed supplemental classroom materials on the law and the judicial system for grades K-12. Dr. Wayne Teague, state superintendent of education, Dr. Paul Hubbert, executive secretary of the Alabama Education Association, and Jim Street, executive director of the Alabama Council for School Administration and Supervision, welcomed the educators. Chief Justice C.C. Torbert Jr. addressed the teachers about the role and function of the court system and Allen L. Tapley, administrative director of courts, explained the Administrative Office of Courts' Public Information and Education Program showing them materials that are currently available through the program.

After reviewing the proposed materials in small groups, the teachers reassembled to hear Supreme Court Justice Hugh Maddox give an overview of the Youth Legislature Program and Montgomery Circuit Judge Joseph Phelps speak about the Law Awareness Program.

In preparation for this statewide conference, a group of 30 teachers had met in Montgomery Feb. 6-7 to discuss how court-related supplemental materials could be included into the already existing social studies curriculum. The teachers prepared teaching objectives and activities for high school, junior high and elementary levels.

After the materials have been finalized, a packet of teacher-prepared supplemental activities for grades K-12 will be available to school systems for the 1981-82 school year.



SUPREME COURT JUSTICE...James H. Faulkner talks with state teachers during session



HIGH SCHOOL TEACHERS...Prepare activity proposals to be used in law-related teaching materials planned for statewide distribution during 1981-82 school year



COORDINATING CURRICULUM DEVELOPMENT SESSIONS...Tyna Davis of AEA (left) and Marie Hendrix, State Education Department



JUNIOR HIGH SCHOOL TEACHERS...Discuss incorporation of law-related materials into existing social studies curriculum

FAYETTE COUNTY COURTHOUSE

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The present courthouse is a Neo-Classical structure and its most outstanding feature is its columned cylindrical dome centered on the roof. It is a two-story structure of buff-colored brick with a wood frame gabled roof. The main entrance has a pedimented portico supported by four large two-story Ionic columns. The building has brick quoins at the corners and stone window lintels. In rooms where ceilings have not been lowered, coffered plasterwork can be seen.

The courthouse is part of a district on the National Register of Historical Places which consists of some 25 commercial structures all built after the 1911 fire.

Much of the material used to compile this article was arranged by Fayette County District Judge David M. Enslin.

COURT CLERK TESTING DATES SET

Dates and cities in which court clerk tests will be administered will be as follows: March 7 in Florence and Birmingham; March 14 in Huntsville; March 21 in Tuscaloosa, Montgomery and Dothan; and March 28 in Mobile.

For further information concerning the tests, contact the Personnel Division at the Administrative Office of Courts.

PATTERN JURY INSTRUCTIONS--CRIMINAL MANUALS MADE AVAILABLE TO JUDGES

The Pattern Jury Instructions--Criminal Manual was made available to all circuit and district judges at their recent Mid-Winter Judicial Conference in Birmingham.

Any judge who has not received a copy of this manual should contact Camille Ashley at the Administrative Office of Courts.

All circuit judges should have copies of the following manuals: Administrative Directives, Indictment and Warrant Manual, Pattern Jury Instructions--Criminal, Circuit Judges Manual, Personnel Procedures and Juvenile Judges Manual (optional).

All district judges should have copies of the following manuals: Administrative

Directives, Indictment and Warrant Manual, U.T.C. Manual, DUI Program Procedure Manual, Personnel Procedures, Juvenile Court Manual (optional) and Pattern Jury Instructions (optional).

All clerks and registers should have copies of the following manuals: Administrative Directives, Clerks and Registers Manual, Indictment and Warrant Manual, Personnel Procedures and Standardized Court Forms Manual.

All court reporters should have a copy of the Court Reporters Manual containing Administrative Directives.

DPS OUTLINES PROCEDURES FOR DRIVERS LICENSE SUSPENSION

The Alabama Department of Public Safety's Master File Room has approximately four million driver records. These records consist of licensed drivers, non-licensed drivers and out of state licensees. A record can be located with an Alabama license number or the complete correct name along with a date of birth.

All driver license or corespondence received by the DPS receives that subject's driver license, or a sworn notarized statement as to the whereabouts of said license. If a driver license is taken by a police officer or court it should be submitted to the DPS along with a brief note stating what date the license was obtained and by whom. This enables the licensee to receive credit on the suspension/revocation from the date he surrendered the license to an authorized person.

If a court is ordering a suspension, the license should be attached to the UTC showing the length of suspension and should be submitted to the DPS rather than being held in the court for the revocation period. The licensee will be given credit on the court-ordered suspension from the disposition date listed on the UTC unless DPS is otherwise instructed.

Should the license not be submitted to DPS, the subject could purchase a duplicate license and continue driving. If he has obtained a duplicate and his original license is returned to him later by the court, he ends up with two licenses. When the DPS receives a court-ordered sus-

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APPEARING ON MORNING SHOW...From left, Tom York, anchor man for the "Morning Show" aired daily by WBRC Channel 6 in Birmingham, listens as Chief Justice C.C. Torbert Jr. and Birmingham District Judge Jack Montgomery discuss law and the courts

CHIEF JUSTICE, JUDGE MONTGOMERY APPEAR ON TOM YORK MORNING SHOW

"With us today is a regular on the show, Birmingham District Judge Jack Montgomery, and his special guest, the chief justice of the state of Alabama, C.C. 'Bo' Torbert Jr."

This was the introduction anchor man Tom York gave as he introduced Chief Justice Torbert and Judge Montgomery on his "Morning Show" aired on Channel 6 out of Birmingham Jan. 12. The chief justice and Judge Montgomery talked about the judicial process in the state and its evolution to its present state.

The appearance was a first on the show for Chief Justice Torbert, however, as York's introduction indicated, "Judge

Montgomery is the Morning Show's judge-in-residence."

"I just got tired of people telling me that myself and the rest of the state judiciary are not doing a good job. By and large, we're doing a wonderful job and I wanted to tell the public about it," Montgomery said.

Montgomery appears on the show about once a month and talks about various phases of the judicial system. He recently spent several appearances explaining and tracking a case from indictment through appeal.

A district judge in Birmingham since 1976, Montgomery worked at WBRC (Channel 6) early in his career holding various positions including news anchor man.

DPS OUTLINES PROCEDURES FOR DRIVERS LICENSE SUSPENSION

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pension, the subject is notified of the suspension in writing and his computer status is changed so that no license may be issued. At the end of the suspension period, a double check is made to determine if the subject has obtained another license.

When a license is submitted to DPS, an explanation should be attached. This explanation is needed as license are received from various sources such as court orders, lost and found, fatality victims, taken from minors in bars, etc. Without an explanation, the DPS has no idea when the license was taken or why. The reason and date a license was taken enables the DPS to accurately record the data and maintain a current record and status of a driver.

PUBLIC EXPENDITURES FOR CIVIL, CRIMINAL JUSTICE UP, SAYS BJS

Public expenditures for civil and criminal justice in the United States increased 7.4 percent (or \$1.8 billion) in fiscal year 1979, the Bureau of Justice Statistics announced recently. Expenditures rose from \$24.1 billion in fiscal 1978 to \$25.9 billion in fiscal 1979.

State justice direct expenses increased 9.8 percent (from \$6.7 billion to \$7.3 billion) compared to the previous fiscal year, direct local expenditures rose 6.8 percent (from \$14.3 billion to \$15.3 billion) and direct federal costs increased 4.7 percent (from \$3.1 billion to \$3.3 billion), Bureau Director Harry A. Scarr said.

Approximately \$14 billion (or more than one-half of the total expenditures) were spent on police protection, and \$6 billion were spent on corrections activities, Dr. Scarr noted. About \$3.4 billion were spent on judicial activities, \$1.7 billion on prosecution and civil legal services, \$600 million on civil and criminal public defense and \$500 million on other criminal justice activities.

Dr. Scarr said there were the equivalent of 1,175,520 full-time justice employees in October 1979, which was a 1.6 percent increase over the 1,157,436 full-time equivalent employment in the previous October. Dr. Scarr noted that the 7.4 percent increase in expenditures and the 1.6 percent increase in employment are the smallest increases reported in the 10 years the survey has been conducted.

Of the total expenditures, Dr. Scarr said, 59 percent was expended by local authorities, who also employed 63 percent of the employees. Police protection activities of these local governments accounted for 65 percent of their justice expenditures and 66 percent of their full-time equivalent employment. State governments spent about 47.5 percent of their \$7.3 billion direct justice expenditures on corrections activities, which accounted for 49 percent of their full-time equivalent justice system employees.

The preliminary report is available from the Bureau of Justice Statistics, Box 6000, Rockville, MD, 20850, telephone: 301-492-9045. Its title is "Justice Expenditures and Employment in the U.S., 1979."

Also available are more detailed findings for fiscal 1978 which show, among other things, that the direct per capita expenditures of all state and local governments for civil and criminal justice in 1978 were \$97, which was an 11.5 percent increase over the \$87 it cost in fiscal 1977.

COMPETITION SET FOR REPORTS ON WAYS TO MAKE COURTS EFFICIENT

A nationwide competition for reports on innovative ways to make courts more efficient has been announced by Edward B. McConnell, executive director of the National Center for State Courts.

The competition is open to judges, court administrators and others employed in a full-time capacity in the court systems. Cash awards will be presented for papers describing the most effective, efficient and innovative methods currently in use by a court to speed case disposition, reduce costs or improve quality. Entries are due to the National Center no later than May 15, 1981.

RECORDS MICROFILMING PROJECT UNDERWAY; PROCESS EXPLAINED

Implementation of the statewide records retention and destruction schedule is now well underway.

Deborah Hay, microfilm project director with the Administrative Office of Courts staff, reported to clerks and registers at their Mid-Winter Conference in Tuscaloosa that microfilming of Supreme Court and trial court records began last April and October, respectively.

"Microfilming the state's trial court records is an enormous undertaking," Miss Hay said. "The project will take 10 years before trial court records are current and three to four years before the Supreme Court records can be kept current on the film."

The microfilming of trial court records for smaller counties is being carried out in Montgomery at the Department of Archives and History. Miss Hay explained that while larger counties such as Jefferson, Mobile and Madison will eventually have their own systems, it is anticipated that these counties will microfilm records from smaller, neighboring counties once their own backlogs have been filmed.

Because it will directly affect their offices, Miss Hay urged clerks and registers to familiarize themselves with the terminology and procedures involved in microfilming.

Trial court records, she explained, are brought to the Archives building under court order from the presiding judge of the circuit. In the initial stages of microfilming, the docket books are checked for completeness and general physical condition. All paper clips, rubber bands and any other foreign materials are removed.

"Targets," or informational messages, are then placed in the document to "flag" problem areas such as ink stains, smears, missing and torn pages, etc.

Once the initial preparation is complete, the document is ready for microfilming.

A planetary camera, one which films a document while it is stationary, is required for filming trial court records. This is the only camera which can accommodate the large dockets and is capable of



DIANA BEDDOW...Demonstrates microfilming procedure of trial court records using planetary camera

producing a high quality image of faded handwriting.

Trial court records are filmed on 35mm rolls of film, each roll capable of holding up to 600 images. It takes trial court microfilmer Diana Beddow one to two days to complete a roll of film.

A rotary camera is used for filming Supreme Court documents. This camera films a document while it is in motion and uses 16mm film, capable of holding up to 3,400 images per roll. It takes Supreme Court microfilmer Norma Hust approximately one day to complete a roll of film.

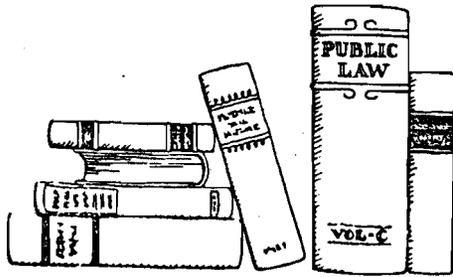
"After processing, the film is returned to the Archives," Miss Hay said.

"Then, quality control supervisor Michael Smith, takes over. Smith is responsible for checking the film carefully to be certain that every page of the document has been filmed, that the image is of good quality, and that the film itself is void of water marks, scratches and residual chemicals."

After the film has been thoroughly inspected, it is sent off again--this time to be duplicated. Miss Hay explained that the duplicate copy will be sent to the clerk's office for easy storage, retrieval and reference. The original film will be sent to Flora, Miss. to be stored in an underground vault under archival standards specifically designed for film.

Filed docket books will either be destroyed or transferred to the Department of Archives for historical purposes.

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

Peace Officers Standards--Law Enforcement--Constable--Arrest

On Jan. 6, 1981, the attorney general released an opinion to the following posed question:

"This agency needs an opinion concerning the duties of an elected Constable. 'Does a Constable still have arrest powers and can he serve search warrants?'"

The opinion states: "A constable is a general peace officer and conservator of the peace. Code of Alabama 1975, Section 36-23-5. As such he may make arrests with or without a warrant. A constable may execute a search warrant when it is directed to him by a lawful authority. Code of Alabama 1975, Sections 36-23-2, 15-5-5 and 15-5-7."

State May Appeal in Juvenile"Transfer" Proceedings

In an opinion dated Jan. 6, 1981, the attorney general has opined that Section 12-15-120(a), Code of Alabama 1975, does not preclude the state from appealing an adverse ruling by the juvenile court on a motion to "transfer" a juvenile for prosecution in the adult court. The attorney general reasoned that the legislature, by the provision of this section, intended to authorize the state to appeal in all other cases other than criminal, delinquency and in need of supervision cases, and that, "a case to determine whether or not a party should be tried as an adult

is none of these."

Worthless Check Act

On Jan. 6, 1981, the attorney general ruled that an employer may be prosecuted under the worthless check act, Section 13-4-110 of the Code, for giving a worthless check for payment of unemployment compensation contributions. However, the opinion cautioned that, under the case of Harris v. State, 378 So. 2d 257, fraudulent intent under the act cannot be inferred when the check was given for payment of an antecedent debt, unless it was given (1) to obtain an extension of credit or (2) to obtain relief from threatened legal action. Thus, the opinion concludes, if a worthless check is issued to the Department of Industrial Relations for payment of employer contributions to obtain either an extension of credit or relief from threatened legal action, then fraudulent intent can be inferred and the issuance of a worthless check would constitute a criminal act.

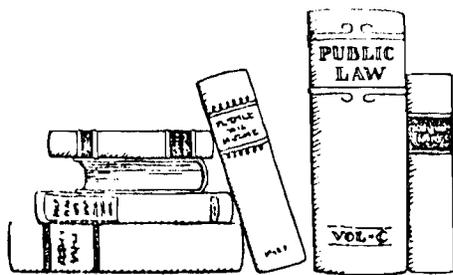
State Prisoners in County Jail

The attorney general held on Jan. 6, 1981, that neither the sheriff nor county commission has authority to issue weekend passes for state prisoners housed in county jails, regardless of whether the state has approved the prisoners for work release. The attorney general further held that the county commission does not, as a general rule, have the authority to work state prisoners awaiting transfer to the state penal system in county jail. The opinion did note, however, that there is a limited exception under Section 14-5-9 of the Code whereby state prisoners may be subjected to work on the construction or maintenance of dams or levees. In such an event, the sheriff would have the same potential liability in respect to the state prisoners that he would have as to county prisoners.

County Not Authorized To PayCourt Reporter A Supplemental Salary

In an opinion dated Jan. 28, 1981, the attorney general determined that the pay-
(Continued On Page 15)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 14)

ment of a fee to the circuit court reporter for doing work in the district court would not be appropriate absent a contract with such reporter containing specific authorization for payment of such fees.

The basis for this opinion is that service by the court reporter in the district court is part of the official duties of the court reporter as provided in Rule 22, Alabama Rules of Judicial Administration. In other words, the court reporter is already being paid for service in the district court. The opinion further stated that nothing would prevent the county, if it so desired, from negotiating an increased county supplement.

Fees in Judicial Sales to be Collected

In Probate Court

On January 7, 1981, the attorney general issued the following opinion wherein it was concluded that the fees to be collected from the proceeds derived from any judicial sale as provided in Act 80-635, included sales of property conducted by the probate court:

Dear Judge McCollum:

Your request for an opinion dated November 11, 1980, written on your behalf by Barry L. Mullins, poses three questions with regard to Act 80-635:

1. Do tax sales conducted by the probate court pursuant to Section 40-10-1, et seq., Code of Alabama 1975 constitute "judicial sales" under Act 80-635?

2. Do sales of property of minors and incompetents conducted by the probate courts constitute "judicial sales" under Act 80-635?

3. What is the meaning and purpose of the reference in Section 3 of Act 80-635 to the "filing" of a "case".

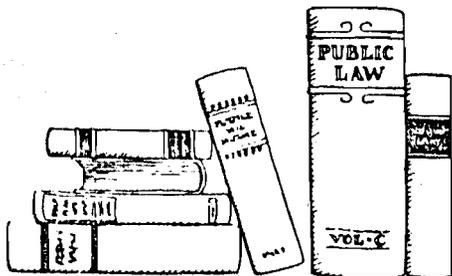
Act 80-635 provides for fees which "... shall be collected from the proceeds derived from any judicial sale. . ." Section 3 of the Act establishes the application as to sales". . . made after the effective date of this act, provided the case was filed after January 15, 1977." Act 80-635 does not define the term "judicial sale." In the absence of a statutory definition, the commonly accepted definition of the term must be applied. *State v. Wallace*, 48 Ala. App. 652, 267 So.2d 172 (1971). Webster defines a judicial act as "An act involving the exercise of judicial power, that is, the power to hear and determine controversies or to determine a question of right or obligation." Black's Law Dictionary defines a judicial officer as "One who exercises judicial function. A person in whom is vested authority to decide causes or exercise powers appropriate to a court."

Section 40-10-1 et seq., Code of Alabama 1975 provides the procedure for the sale of lands for delinquent taxes in Alabama. The tax collector, under Sections 40-10-2 and 40-10-3, is required to prepare a book of all delinquent taxpayers and to deliver the same to the judge of probate. The probate judge then issues a notice to the taxpayer that the tax collector has filed in his office a list of delinquent taxpayers, as provided by Section 40-10-4. After notice, the taxpayer is afforded an opportunity to contest the listing, a hearing is held, a decree issued, notice of sale given, and the sale is confirmed by the probate judge.

In the matter of the estates of infants and incompetents, the probate judge authorizes the guardian to sell any property, give notice of any sale, conduct a

(Continued on Page 16)

LEGAL NOTES



ATTORNEY GENERAL OPINIONS

(Continued From Page 15)

hearing, approve any sale and enter the necessary decrees for sale and conveyance of deeds. These actions are commenced by the filing of an application by the guardian. Sections 26-4-140--155, Code of Alabama 1975. These procedures are similar to the functions performed by the probate judge in tax sales. Based upon the definitions quoted above, it appears that the probate judge is performing a judicial function when conducting a tax sale or a sale of property of incompetents and that these sales thus constitute judicial sales.

It is unclear what is meant by the "filing" of a "case" as contemplated by Section 3 of the Act. However, this section does not appear to have been intended as a limitation on the types of judicial sales which would be subject to the Act, but instead appears to have been intended to limit the retroactive aspects of the Act. Since there is no express requirement of a particular type of filing of a case in order for the act to apply to a judicial sale, the judicial sales conducted by the probate court should be construed to have resulted from a filing of a case in the probate court as contemplated by the act. Therefore, the provisions of Act 8-635 apply to tax sales and to sales of property of infants and incompetents conducted under the orders and supervision of the probate court.

Gaming - Forfeitures

On January 30, 1981, the attorney general held that the district attorney, and not the city prosecutor, is the one who should file civil proceedings for the condemnation and forfeiture of money used as stakes or bets in a gambling activity, even where city officers made the arrests and the gambling offense was prosecuted in municipal court. The rationale is that the city has no stake in the proceedings since all proceeds are transferrable to the state general fund under Section 13A-12-30 of the Alabama Code.

Adoptions in Probate Court

In an opinion dated Jan. 28, 1981, the attorney general ruled that a final decree of adoption may not be entered by a probate judge when the petitioner dies before the expiration of the six-month interlocutory order required by Section 26-10-4, Code of Alabama 1975.

Elections--Write-In Votes

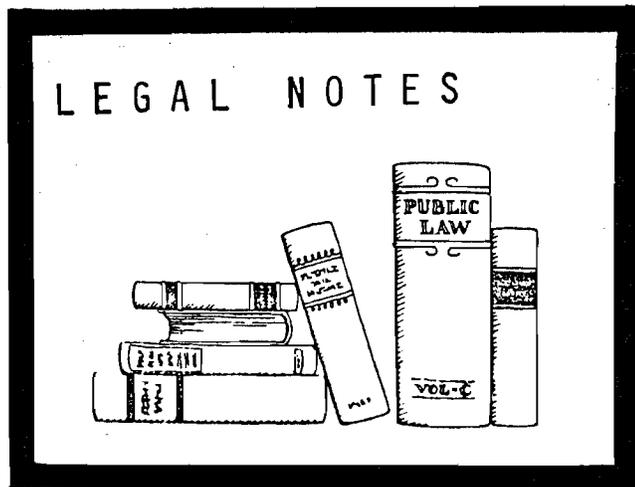
In an opinion issued to the probate judge of Marion County, the attorney general has opined that write-in votes for an office which is up for election must be counted, even if no one officially qualified for the office. The general requirements of the office to which the write-in candidate is elected would apply, and the determination of whether the write-in winner is qualified should be made after he is elected. This opinion reiterates an earlier opinion issued by the attorney general on Oct. 21, 1980.

MISCELLANEOUS LEGAL NOTES

Clerks and Registers Entitled ToFees or Commissions on Cases FiledPrior to January 16, 1977

In Gunter v. Kiker, S.C. 79-671, Jan. 29, 1981, the Supreme Court of Alabama affirmed the judgment of the trial court which held that clerks or registers who were entitled by law to collect a fee or commission before Jan. 16, 1977, may col-

(Continued On Page 17)



MISCELLANEOUS LEGAL NOTES

(Continued From Page 16)

lect that fee or commission from any case which was filed before Jan. 16, 1977. This opinion in selected part provides as follows:

"It appears to us that both a fair and common sense interpretation of Section 12-19-22, and we so hold, is that if a clerk or register was entitled by law to collect a fee or commission before the Judicial Article was implemented on Jan. 16, 1977, he or she can collect that fee or commission from any case which was filed before Jan. 16, 1977, under the referenced provision of the 1975 Code. If under prior law, a clerk or register was entitled to receive these monies, he or she is entitled to receive the monies on those cases filed prior to the above mentioned date whether collected after that date or not.

"Appellants express concern that should this court determine that circuit clerks and registers are entitled to commissions under Section 12-19-22, extreme difficulty will be encountered in attempting to equitably distribute those commissions. Appellants then proceed to state examples of fact situations which they contend illustrate the problems that might be encountered should we hold as we do in this case. We deem the fears of appellants to be exaggerated. Should problems develop in the future concerning the equitable distribution of the subject commissions, they can be dealt with on a case by case basis without any difficulty, it appears to us.

"For the state reasons the judgment of the trial court is due to be and is hereby affirmed."

Contact with Polly Eubanks, clerk and register for Montgomery County, revealed that a certificate of judgment from the Alabama Supreme Court was received by her office dated Feb. 17, 1981, indicating that any fees or commissions which have been collected and maintained in an account pursuant to Section 12-19-22, Code of Alabama 1975, may now be disbursed.

ALABAMA JUDICIAL INQUIRY COMMISSION SYNOPSIS OF ADVISORY OPINIONS

Below are synopses of advisory opinions issued by the Alabama Judicial Inquiry Commission this month.

SYNOPSIS XCIII--May a judge manage the investments of a professional association of medical doctors for remuneration?

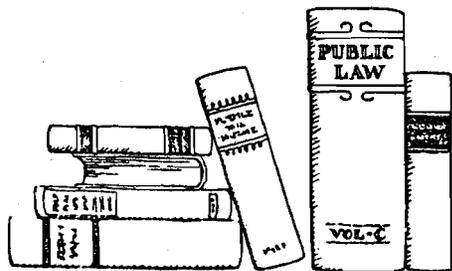
OPINION--A judge may hold and manage investments for a professional association so long as he complies in all respects with all the provisions of Canon 5C, especially (1), (2) and (3). However, if a judge undertakes the operation of such a business, the Commission cannot predict whether factual circumstances might arise which would place the judge in conflict with Canon 5C.

SYNOPSIS XCIV--Do the Canons of Judicial Ethics prohibit a judge from assessing costs against a criminal defendant upon the dismissal of the case against the defendant?

OPINION--Under Canon 2A, a judge is required to respect and comply with the law. In Melton v. State, 30 Ala. App. 136, 1 so2d 90 (1941), the Court of Appeals held that costs could not be assessed in criminal cases in which a nolle prosequi or a dismissal is entered in favor of a defendant. The Commission is unaware of any subsequent Alabama statutes of Appellate cases on this point. It is the opinion of the Commission that if the laws of Alabama prohibit the assessment of costs against a defendant in a criminal case when the case is dismissed, Canon 2A would require that a judge not assess costs in such cases.

(Continued On Page 18)

LEGAL NOTES



ALABAMA JUDICIAL INQUIRY COMMISSION SYNOPSIS OF ADVISORY OPINIONS

(Continued From Page 17)

SYNOPSIS XCV--May judges sign a statement supporting a partisan ticket in an election? The statement is planned to be published in local newspapers as support for all candidates of the political party in question.

OPINION--It is the opinion of the Commission that, while the conduct described is not specifically prohibited under the Canons, such conduct is undesirable, and a judge should refrain from lending his name to the support of other candidates for election to non-judicial public office. Canon 7A (1).

SYNOPSIS XCVI--Is a judge required under the Canons to disqualify himself in proceedings in which the judge's daughter or a member of the daughter's firm represents a party to the proceeding?

OPINION--Yes. Under Canon 3C, disqualification is required since the judge is related within the fourth degree by consanguinity or affinity to the attorney. See Opinion LXIV.

SYNOPSIS XCVII--Should a judge, who receives a county salary supplement, recuse himself from litigation in which the county is a party?

OPINION--No. The mere receipt of a salary supplement from a county does not disqualify a judge from sitting in cases to which the county is a party. However, in

instances in which the judge's salary supplement is directly related to the matter in litigation or could be substantially affected by the outcome of the litigation, disqualification could occur. Canon 3C(1) (c).

NOTES FROM THE APPELLATE BENCH

The following constitutes some of the activity at the Supreme Court of Alabama during the past month. The court released 40 cases, with opinions, granted six writs of certiorari, and denied 34 writs of certiorari.

DEATH CASES--An application for rehearing was filed by the State in Beck v. State; 11 death cases which had been appealed to the Supreme Court of the United States were remanded to the Alabama Supreme Court for further consideration in light of Beck v. Alabama.

ORAL ARGUMENTS

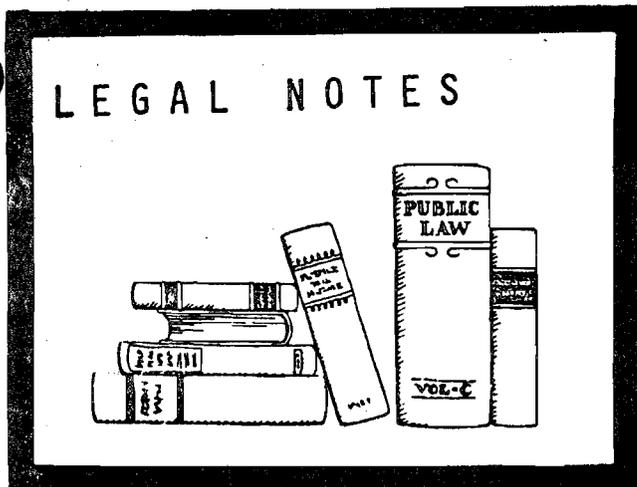
The Faulkner Division held oral arguments, at which these major issues were presented:

CAVEAT VENDITOR--Can buyer of new home recover punitive damages for breach of implied warranty of habitability and fitness? Trial court awarded compensatory damages for replacement costs but refused to award any punitive damages. (79-658, West, et al.)

JURY TRIAL--Can a party, by contract, waive his constitutional right to a jury trial? Action arose out of a dispute between a pharmacist and a department store over the terms of a license agreement. (79-688, Gaylords)

MEDICAL MALPRACTICE--Accident victim was admitted to emergency room complaining of chest pains; he was examined by doctor and diagnosed as having arthritis of knee, and discharged; the following day patient was taken back to emergency room and was diagnosed as suffering from shock and internal bleeding. After being admitted to the hospital, patient died. Jury awarded wife \$100,000. Doctor claims evidence insufficient to show that patient would have lived had he been admitted to the hospital earlier. (79-687)

(Continued On Page 19)



NOTES FROM THE APPELLATE BENCH

(Continued From Page 18)

LAWYER SUSPENSION--Attorney was charged with engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation in that he executed a warranty deed and title opinion in which he warranted and certified respectively that the premises were free from encumbrances, when he knew there were outstanding mortgages on the property. Attorney claimed that he had reasonable grounds for believing that the mortgages did not constitute valid liens; therefore, he argued that he could not have had the requisite mental state required to be guilty of violating DR 1-102(A)(4). State Bar asked Supreme Court not only to affirm the disciplinary board action, but to increase the suspension period.

WRONGFUL DEATH--Can a trial court increase punitive damages awarded by a jury in a wrongful death case? (79-791, Rollins)

DEATH CASE--PLEAS OF GUILTY--Petitioner claims that his plea of guilty to a capital offense was not voluntary in light of the holding in Beck v. Alabama. (79-568, Graham)

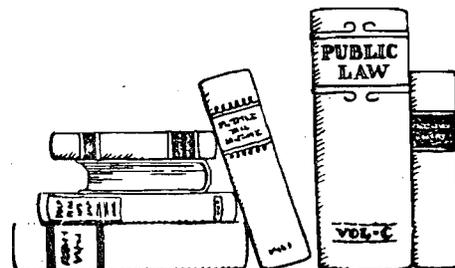
"BUSINESS JUDGMENT" RULED IN STOCKHOLDER DERIVATIVE ACTION--Shareholder of holding company which owned all stock of utility with which shareholder formerly worked brought stockholder derivative action against utility claiming mismanagement and waste. Trial court found that share-

holder not fairly representative and that "business judgment" rule was applicable. (79-743, Roberts)

MUNICIPAL ELECTION CONTEST--The votes in a mayoral election were 206 for one candidate and 204 for the other. The candidate with the fewest votes contested the election. After an ore tenus hearing, the trial judge found that three votes were cast illegally in favor of one candidate, two votes were illegally cast for the other, and one qualified voter was intimidated and prevented from voting for one of the candidates. The court concluded that the election resulted in a 203-203 vote tie, and he ordered a new election. One candidate appealed from the order and the other candidate cross-appealed. (79-939 & 940)

MORTGAGE FORECLOSURES--Whether a mortgage holder who, at a foreclosure sale, bids in the property for the full amount of the debt, including expenses and attorneys' fees, thus relieving the maker from any further obligation, may enforce a guaranty agreement against the guarantors of the note if the property is later sold for less than the amount of the debt? (79-888, Muscle Shoals National Bank)

BOUNDARY LINE DISPUTE--ADVERSE POSSESSION--Whether in a boundary line dispute, the actual, clear, definite, positive, notorious, open, peaceable, continuous and exclusive possession of a strip of land for a period of more than 20 years is sufficient to establish title by adverse possession though strip was held under mistaken belief that the landowners were holding to the true property line? (79-916, Bussey)



PEOPLE * PEOPLE

Two Birmingham bailiffs, reacting quickly to the situation, kept a witness from dying after she suffered a heart attack on the witness stand during a murder trial.

The bailiffs, *Rod Nelson*, a former University of Alabama football player, and *Bradley Thuss*, administered CPR (cardio-pulmonary resuscitation) to the elderly woman after she collapsed on the witness stand during testimony.

The woman, *Olivia Payne*, was describing in a calm voice how the accused, *Stafford Gamble*, a neighbor, had run to her door and shouted for her to call an ambulance for his wife who he said was hurt. Gamble is accused of stabbing his wife, *Veronica*, to death on May 5, 1979.

After prosecutor *Don Colee* handed the witness a photograph of her house and yard, she laid her head back and closed her eyes. *Colee* said at first he thought she was thinking about what she would say. He asked, "Mrs. Payne, are you all right? Is something wrong?" There was no answer and slowly she collapsed in the chair.

The two bailiffs administered CPR to the woman until paramedics arrived. They had managed to get her breathing a couple of times. Mrs. Payne remained in critical condition for some time, but at last report, she was improved slightly.

The incident occurred in Circuit Judge *Charles Nice's* courtroom.

Robert T. Ervin Jr., former presiding judge for Mobile Circuit Court, died in early February following a lengthy illness. Judge Ervin retired in 1970 following some 15 years on the bench. Prior to his judgeship, he was an assistant solicitor.

His father, *Robert T. Ervin Sr.* was a federal judge. A native Mobilian, Judge Ervin Jr. is survived by his wife and two children.

Administrative Director of Courts *Allen L. Tapley* has been appointed to serve on a steering committee to provide guidance during the development of a University of Alabama sponsored Law Enforcement Management Institute. The purpose of the Institute will be to provide management train-

ing for law enforcement agencies and personnel in Alabama and surrounding states.

The responsibility for the development of this program rests within the Division of Continuing Education of the University which is responsible for the development and delivery of educational programs to adults.

The steering committee will help ensure that this program meets the expressed needs of law enforcement.

A curriculum committee composed of law enforcement officials will be established to assist in the development of the program.

Circuit Judge *G.H. Wright Jr.* of the 37th Judicial Circuit conducted a workshop on "The Judiciary" at Auburn High School recently during the Pre-Youth District II Legislative Training Session.

Vickie Lee, and her husband *Eddie* are parents of a new son, *James Wesley (Jamie)* born Jan. 6. Vickie is court clerk for Circuit Clerk *Ray Bozeman* of Covington County.



New juror selection plan is improvement

The Administrative Office of Courts in Alabama has made a wise and economic move in utilizing the state's computerized driver's license list to assist jury commissions in 37 counties, Mobile included, to qualify persons for jury service.

This new system should not only save money but eliminate for once and for all any question of the impartiality of jury selection in these counties.

There was a time when jury commissions throughout Alabama selected only their friends and acquaintances to be eligible for jury duty. We therefore saw most jury panels comprised of only white males.

That day has long past and women as well as minorities and younger persons now sit in judgment on the civil and criminal cases in our state court system.

And the new system should

provide an even greater improvement, according to Chief Justice C.C. "Bo" Torbert of the Alabama Supreme Court.

He predicts also a significant reduction in the \$300,000 annual cost of manually operating the system of filling master jury boxes in the state each two years.

The new plan entails random mailing of 90,000 questionnaires to holders of drivers' licenses in 37 of the 67 counties in Alabama. It has been determined that the computerized driver's license list is the best source list available for prospective jurors since a new state law has disallowed all class exemptions from jury service.

Those receiving the questionnaires must complete and return them in postage-paid envelopes and from those names will be drawn the jury venires for the next two years.

The only question we have is why not expand the project to all 67 counties?

Editor, the Advertiser:

The apparent great glee taken by the legislature, newspapers, and electorate over the rejection of a 7½ percent pay raise for our judiciary may be very short-sighted.

The fact is, that in the teeth of raging inflation of 12 to 14 percent, our legislature has actually cut the pay of our judges by at least 6 percent. This wasn't a pay raise; the amount under consideration would not have even brought judges' pay up to the buying power of early 1980.

What are the possible results? The answer to that question seems simple enough. You get exactly what you pay for. If we allow judges' pay to slip further and further behind the economic power curve we'll lose the good ones. No highly qualified judge will stay in a job that pays him less and less each year because of inflation and short-sighted stinginess of the legislature. They'll simply leave for greener pastures.

Lousy pay must inevitably buy lousy law. Is that what we want in our court rooms?

STEPHEN H. MOROCHNICK
Prattville

An editorial on this subject appears today.

This Clip From
THE MONTGOMERY ADVERTISER

This Clip From
MOBILE REGISTER

A silvery moon

A circuit judge in Illinois has embarked on an unusual suit, the Wall Street Journal reported recently. He's suing for the right to moonlight arbitrating disputes or writing wills because, he says, his \$50,000 annual salary isn't enough.

By enough, of course, he means that the salary isn't anywhere near what he could make as an attorney in private practice. Judges, more than most public servants, must take a considerable cut in salary for the high honor of sitting on the bench, and although this has always been so, some wonder whether the sacrifice asked today isn't too much.

In 1969, federal district judges

earned \$40,000. To have the same purchasing power today, they would have to earn \$107,700, but instead they are paid \$67,100.

A federal judge who just resigned came to the same conclusion as the author of today's lead letter to Grandma. He told the Journal that if judges aren't paid more, courts will attract only "people who are so wealthy that they don't worry about the money, or incompetents who can't get much money as lawyers. If you're going to maintain the caliber of the bench, you have to pay."

This Clip From
THE MONTGOMERY ADVERTISER



COURT NEWS

NEWSLETTER OF THE ALABAMA JUDICIAL SYSTEM

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