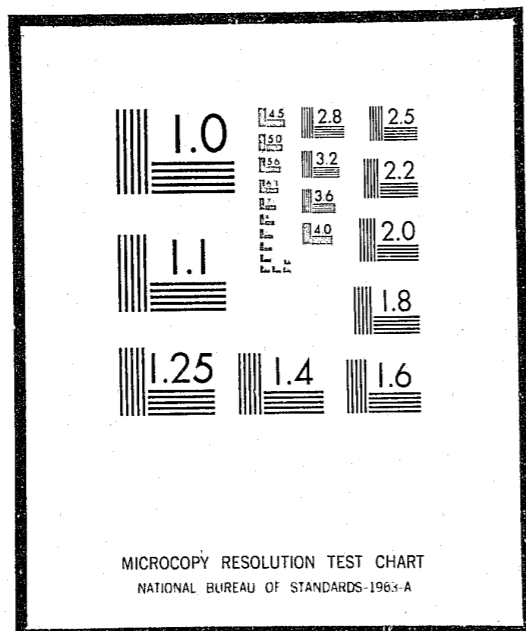


# NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE  
WASHINGTON, D.C. 20531

Date filmed 7/26/76

1974

# ANNUAL REPORT

## VOLUME I

ALABAMA JUDICIAL  
SYSTEM



State of Alabama  
 Department of Court Management  
 800 South McDonough Street  
 Montgomery, Alabama 36104

CHARLES Y. CAMERON  
 COURT ADMINISTRATOR

TELEPHONE  
 832-6710

January, 1975

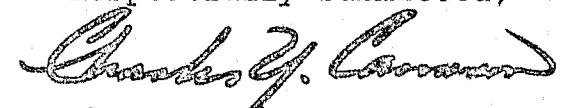
Honorable Howell T. Heflin  
 Chief Justice  
 Supreme Court of Alabama  
 Montgomery, Alabama

Dear Mr. Chief Justice Heflin:

Transmitted herewith is the two-volume Annual Report on the Alabama Judicial System for the period January 1, 1974 through December 31, 1974.

Significant improvements in the administration of justice in Alabama were achieved during 1974. Volume I, in addition to rosters of personnel, contains narrative information treating various projects and subject areas. Volume II consists of reported case statistics and compilations of the information for counties, circuits and the state. Statistics for the period 1971-1974 are presented where their inclusion more accurately and comprehensively reflects judicial activity.

The appellate and trial court judiciary have demonstrated during 1974 their continued dedication to the highest level of performance in the discharge of their tasks. The Supreme Court of Alabama, the Alabama Court of Criminal Appeals, and the Alabama Court of Civil Appeals commenced the 1974-75 Term of Court in current status. For the period ending December 31, 1974, the circuit courts reported a total of 55,332 pending matters remaining on the docket. This figure represents a 12.3% decrease since the end of calendar year 1971. It should be noted that this substantial decline in pending matters was made in the face of a 17.8% increase (from 76,046 to 89,608) in the number of case filings during the period of time.

Respectfully submitted,  
  
 Charles Y. Cameron  
 Court Administrator

CYC:amr

ANNUAL REPORT  
 ON THE  
 ALABAMA JUDICIAL SYSTEM  
 1974

VOLUME I  
 GENERAL INFORMATION

Department of Court Management  
 800 South McDonough  
 Montgomery, Alabama 36130

Howell T. Heflin  
 Chief Justice

Charles Y. Cameron  
 Court Administrator

TABLE OF CONTENTS

	<u>Page</u>
COURTS PERSONNEL	
Supreme Court of Alabama . . . . .	2
Court of Civil Appeals . . . . .	3
Court of Criminal Appeals . . . . .	4
Supernumerary Circuit Judges . . . . .	5
Circuit Judges . . . . .	6
Clerks and Registers . . . . .	10
Trial Court Administrators . . . . .	14
Intermediate Court Judges . . . . .	15
Probate Judges . . . . .	19
JUDICIAL INQUIRY COMMISSION . . . . .	24
COURT OF THE JUDICIARY . . . . .	26
JUDICIAL COMPENSATION COMMISSION . . . . .	33
FEDERALLY-FUNDED PROJECTS	
Law Enforcement Assistance Administration Discretionary Grant No. 73-DF-04-0044	
Penal Code Development . . . . .	36
American Bar Assoc. Standards Analysis Survey - LEAA National Advisory Comm. on Criminal Justice Standards & Goals . . . . .	37
Comparative Juvenile Procedure Analysis . . . . .	38
Judicial Article Implementation . . . . .	39
Management Study - Office of Atty. Gen. Development of Education Plan . . . . .	39
Manual for Circuit Judges . . . . .	40
Manual for Probate Judges . . . . .	40
Manual - Atty. Gen. Staff . . . . .	41
Training - Defense Attys. . . . .	41
Manual - Appellate Court Law Clerks . . . . .	42
Manual for Clerks and Registers . . . . .	42
Law in Social Studies Project . . . . .	43

Alabama Law Enforcement Planning Agency

Sub-Grant Award 73-AS-2 . . . . .	45
Sub-Grant Award 73-AS-18 . . . . .	45

Division of Traffic Relations

Traffic Relations . . . . .	53
Driver Improvement Office . . . . .	61
Defensive Driving Course . . . . .	63
DWI Counterattack Program . . . . .	64
Safety Councils . . . . .	66
Program Evaluation . . . . .	67
Alcoholism Workshops . . . . .	68

Training and Education

Judicial Education

In-State Programs . . . . .	72
Out-of-State Programs . . . . .	76

COURTS PERSONNEL

SUPREME COURT OF ALABAMA

Howell T. Heflin, Chief Justice

Associate Justices

Pelham J. Merrill  
Robert B. Harwood  
Hugh Maddox  
James H. Faulkner

James S. Coleman, Jr.  
James N. Bloodworth  
Daniel T. McCall, Jr.  
Richard L. Jones

Supernumerary Justice

Thomas S. Lawson

J. O. Sentell

Clerk

Dorothy F. Norwood  
Assistant Clerk

John B. Scott  
Reporter of Decisions

William C. Younger  
Marshal and Librarian

COURT OF CIVIL APPEALS

L. Charles Wright

Presiding Judge

Associate Judges

Robert P. Bradley

Richard L. Holmes

J. O. Sentell

Clerk

Hazel McLain  
Assistant Clerk

John B. Scott  
Reporter of Decisions

William C. Younger  
Marshal and Librarian

COURT OF CRIMINAL APPEALS

Aubrey M. Cates, Jr.

Presiding Judge

Associate Judges

Reneau P. Almon

John O. Harris

John P. DeCarlo

John C. Tyson, III

Mollie S. Jordan

Clerk

Louise L. Holt

John B. Scott

Assistant Clerk

Reporter of Decisions

William C. Younger

Marshal and Librarian

SUPERNUMERARY CIRCUIT JUDGES

George Lewis Bailes  
Birmingham, Alabama

Roy Mayhall  
Jasper, Alabama

Edgar Bowron  
Birmingham, Alabama

L. S. Moore  
Centreville, Alabama

Dan Boyd  
Wedowee, Alabama

Joe M. Pelham, Jr.  
Chatom, Alabama

Leigh Clark  
Birmingham, Alabama

Bowen Simmons  
Montgomery, Alabama

W. D. DeBardelaben  
Anniston, Alabama

Elias C. Watson, Jr.  
Birmingham, Alabama

A. H. Elliott  
Brewton, Alabama

Frank B. Embry  
Pell City, Alabama

Robert Tait Ervin, Jr.  
Mobile, Alabama

Robert Giles  
Birmingham, Alabama

K. J. Griffith  
Cullman, Alabama

W. J. Haralson  
Fort Payne, Alabama

William H. Key, Jr.  
Russellville, Alabama

Alta L. King  
Birmingham, Alabama

CIRCUIT JUDGES

1st Judicial Circuit  
Choctaw, Clarke, Washington

William G. Lindsey

2nd Judicial Circuit  
Butler, Crenshaw, Lowndes

Arthur E. Gamble, Jr.

3rd Judicial Circuit  
Barbour, Bullock

Jack W. Wallace

4th Judicial Circuit  
Bibb, Dallas, Hale, Perry, Wilcox

Virgis M. Ashworth  
Presiding Judge

Edgar P. Russell

5th Judicial Circuit  
Chambers, Macon, Randolph,  
Tallapoosa

Albert Hooton  
Presiding Judge

William Byrd  
William C. Hines

6th Judicial Circuit  
Tuscaloosa

Joseph A. Colquitt  
Presiding Judge

James D. Buck  
Aubrey Dominick  
Fred W. Nicol

7th Judicial Circuit  
Calhoun, Cleburne

William C. Bibb  
Presiding Judge

Edwin Whitley Harwell  
Robert M. Parker

8th Judicial Circuit  
Limestone, Morgan

Newton B. Powell  
Presiding Judge

Tom B. Coggin  
Richard L. Hundley

9th Judicial Circuit  
Cherokee, DeKalb

W. G. Hawkins  
Presiding Judge

Randall L. Cole<sup>1</sup>

10th Judicial Circuit  
Jefferson

Thomas E. Huey, Jr.  
Presiding Judge

Edward L. Ball  
William C. Barber  
Ingram Beasley  
G. Ross Bell  
William H. Cole  
Charles R. Crowder  
Cecil M. Deason  
Wallace Gibson  
Gardner F. Goodwyn, Jr.  
E. David Haigler<sup>2</sup>  
James O. Haley  
Claude B. Hughes

10th Judicial Circuit (Cont'd)  
Jefferson

Joseph J. Jasper  
Russell McElroy  
Charles M. Nice, Jr.<sup>3</sup>  
Harry E. Pickens  
William A. Thompson<sup>4</sup>  
Whit Windham

11th Judicial Circuit  
Lauderdale

Robert M. Hill  
Presiding Judge

J. Edward Tease

12th Judicial Circuit  
Coffee, Pike

Eris F. Paul  
Presiding Judge

Riley P. Green, Jr.

13th Judicial Circuit  
Mobile

Joseph M. Hocklander  
Presiding Judge

William D. Bolling  
Robert E. Hodnette, Jr.  
Elwood L. Hogan  
Ferrill D. McRae  
Hubert Paul Robertson  
James T. Strickland  
Michael E. Zoghby

14th Judicial Circuit  
Walker

Alton M. Blanton  
Presiding Judge

T. Leon Beard

15th Judicial Circuit  
Montgomery

Eugene W. Carter  
Presiding Judge

David Crosland  
Richard P. Emmet  
William F. Thetford

16th Judicial Circuit  
Etowah

A. B. Cunningham  
Presiding Judge

George Murphy  
James B. Waid

17th Judicial Circuit  
Greene, Marengo, Sumter

Claud D. Neilson<sup>5</sup>

18th Judicial Circuit  
Shelby, Coosa, Clay

Kenneth F. Ingram  
Presiding Judge

James H. Sharbutt

19th Judicial Circuit  
Autauga, Elmore, Chilton

Joseph J. Mullins  
Presiding Judge

Joe Macon

20th Judicial Circuit  
Henry, Houston

Forrest L. Adams  
Presiding Judge

Jerry M. White

<sup>1</sup>Commissioned to circuit judgeship on November 13, 1974

<sup>2</sup>Commissioned to circuit judgeship on February 27, 1974

<sup>3</sup>Commissioned to circuit judgeship on February 1, 1974

<sup>4</sup>Commissioned to circuit judgeship on May 21, 1974

<sup>5</sup>Commissioned to circuit judgeship on February 28, 1974

21st Judicial Circuit  
Escambia

Douglas S. Webb

22nd Judicial Circuit  
Covington

F. Murland Smith

23rd Judicial Circuit  
Madison

J. D. Snodgrass  
Presiding Judge

David Archer  
John W. Green  
William D. Page<sup>6</sup>  
S. A. Watson, Jr.<sup>7</sup>  
Thomas N. Younger

24th Judicial Circuit  
Fayette, Lamar, Pickens

Cecil H. Strawbridge

25th Judicial Circuit  
Marion, Winston

Carlton Mayhall, Jr.

26th Judicial Circuit  
Russell

James H. Caldwell  
Presiding Judge

Bowen Brassell<sup>8</sup>

27th Judicial Circuit  
Marshall

Clark E. Johnson  
Edward N. Scruggs

28th Judicial Circuit  
Baldwin

Telfair J. Mashburn  
Presiding Judge

29th Judicial Circuit  
Talladega

William C. Sullivan  
Presiding Judge

William P. Powers

30th Judicial Circuit  
Blount, St. Clair

L. P. Waid  
Presiding Judge

H. E. Holladay

31st Judicial Circuit  
Colbert

Clifford K. Delony  
Presiding Judge

Leonard I. Burt

32nd Judicial Circuit  
Cullman

Jack C. Riley  
Presiding Judge

Fred C. Folsom

33rd Judicial Circuit  
Dale, Geneva

Mike Sollie, III

34th Judicial Circuit  
Franklin

Kennedy Williams

35th Judicial Circuit  
Conecuh, Monroe

Robert E. L. Key

36th Judicial Circuit  
Lawrence

Billy C. Burney

37th Judicial Circuit  
Lee

L. J. Tyner  
Presiding Judge

George Wright, Jr.

38th Judicial Circuit  
Jackson

John B. Tally

<sup>6</sup>Commissioned to circuit judgeship on November 13, 1974

<sup>7</sup>Commissioned to circuit judgeship on November 13, 1974

<sup>8</sup>Commissioned to circuit judgeship on November 13, 1974



CLERKS AND REGISTERS

1st Judicial Circuit

S. A. Armistead, Clerk, Clarke County  
James A. Christopher, Register, Choctaw County  
Murray H. Gibson, Clerk, Choctaw County  
Harvey H. Jackson, Register, Clarke County  
Leo Howard, Clerk and Register, Washington County

2nd Judicial Circuit

Bobby T. Branum, Clerk, Butler County  
Josephine Golden, Clerk and Register, Crenshaw County  
Margie P. McLeod, Register, Lowndes County  
Alma V. Miller, Clerk, Lowndes County  
Maxine D. Steindorff, Register, Butler County

3rd Judicial Circuit

Henry Chappell, Clerk and Register, Bullock County  
David S. Nix, Clerk and Register, Barbour County

4th Judicial Circuit

Mary G. Auburtin, Clerk and Register, Perry County  
R. L. Foster, Clerk and Register, Bibb County  
William A. Kynard, Clerk and Register, Dallas County  
Merle C. McNeill, Clerk and Register, Wilcox County  
Mary B. Shipley, Clerk and Register, Hale County

5th Judicial Circuit

James M. Hopkins, II, Clerk and Register, Macon County  
Betty Johnson, Clerk and Register, Tallapoosa County (Alexander City)  
Gary McDaniel, Clerk and Register, Tallapoosa County (Dadeville)  
Stella A. Pierce, Clerk and Register, Chambers County  
Grover L. Poole, Clerk and Register, Randolph County

6th Judicial Circuit

Bertice B. Bennett, Clerk, Tuscaloosa County  
David M. Cochran, Register, Tuscaloosa County

7th Judicial Circuit

Horace S. Merrill, Clerk and Register, Cleburne County  
Richard F. Dobbins, Clerk, Calhoun County  
Herschel E. Emerson, Register, Calhoun County

8th Judicial Circuit

Gaynell Hall, Register, Morgan County  
L. J. Swinea, Clerk and Register, Limestone County  
Cleo D. Teague, Clerk, Morgan County

9th Judicial Circuit

Laura F. Coffey, Register, Cherokee County  
Gloria R. Fortson, Register, DeKalb County  
Fred Green, Clerk, Cherokee County  
Cecil Reed, Clerk, DeKalb County

10th Judicial Circuit

D. L. Cockrell, Register, Jefferson County (Birmingham)  
Julian Swift, Clerk, Jefferson County (Birmingham)  
J. B. Vines, Clerk and Register, Jefferson County (Bessemer)

11th Judicial Circuit

Elbert L. Daly, Register, Lauderdale County  
Glenn Murphy, Clerk, Lauderdale County

12th Judicial Circuit

Gladys Clark, Clerk and Register, Coffee County  
Robert Newman, Jr., Clerk and Register, Pike County

13th Judicial Circuit

W. Elsworth Haughton, Register, Mobile County  
John E. Mandeville, Clerk, Mobile County

14th Judicial Circuit

Sylvester Anton, Clerk, Walker County  
Serena B. Colvin, Register, Walker County

15th Judicial Circuit

Polly Eubanks, Clerk, Montgomery County  
George H. Jones, Jr., Register, Montgomery County

16th Judicial Circuit

Howard Kirby, Clerk, Etowah County  
Mary Nell Thornton, Register, Etowah County

17th Judicial Circuit

Zelma Dial, Clerk and Register, Sumter County  
Charles E. Rentz, Clerk and Register, Marengo County  
Wadine V. Williams, Clerk, Greene County  
Mary C. Yarbrough, Register, Greene County

18th Judicial Circuit

O. B. Griffin, Clerk and Register, Clay County  
Kyle Lansford, Clerk and Register, Shelby County  
Herschel H. Thornton, Clerk and Register, Coosa County

19th Judicial Circuit

Morris Moatts, Clerk, Chilton County  
B. J. Moody, Clerk and Register, Elmore County  
Fred Posey, Clerk and Register, Autauga County  
Horsley White, Register, Chilton County

20th Judicial Circuit

Elizabeth A. Cummings, Register, Houston County  
Marvin D. Murphy, Clerk and Register, Henry County  
Julia L. Trant, Clerk, Houston County

21st Judicial Circuit

James D. Taylor, Clerk and Register, Escambia County

22nd Judicial Circuit

Ray Bozeman, Clerk, Covington County  
E. E. King, Register, Covington County

23rd Judicial Circuit

Billy D. Harbin, Clerk, Madison County  
Dovie McCollum, Register, Madison County

24th Judicial Circuit

W. S. Cooper, Clerk, Fayette County  
Lucy T. Crutcher, Register, Fayette County  
L. J. Randolph, Clerk and Register, Lamar County  
H. Hope Wheat, Clerk and Register, Pickens County

25th Judicial Circuit

Waymon W. Elam, Clerk, Winston County  
Pride Gann, Clerk, Marion County  
Willouise Harper, Register, Marion County  
Joyce Martin, Register, Winston County

26th Judicial Circuit

Devon Kiker, Clerk and Register, Russell County

27th Judicial Circuit

Jean C. Albert, Clerk, Marshall County  
H. Jack Thompson, Register, Marshall County

28th Judicial Circuit

Eunice B. Blackmon, Clerk, Baldwin County  
Eunice G. Tindal, Register, Baldwin County

29th Judicial Circuit

Sam Grice, Clerk, Talladega County  
Joe W. Ingram, Register, Talladega County

30th Judicial Circuit

Iva B. Holloway, Clerk, Blount County  
Norman Smith, Clerk and Register, St. Clair County  
Adeline Walker, Register, Blount County

31st Judicial Circuit

Sara Blackwell, Clerk, Colbert County  
Bonnie W. Hester, Register, Colbert County

32nd Judicial Circuit

Ruth Gasser, Clerk, Cullman County  
Russell A. Plunkett, Register, Cullman County

33rd Judicial Circuit

W. R. Draughon, Clerk and Register, Geneva County  
Andrew Marshall, Clerk and Register, Dale County

34th Judicial Circuit

E. Boyce Scruggs, Clerk, Franklin County  
Grace M. Smith, Register, Franklin County

35th Judicial Circuit

Lyston A. Hixon, Clerk and Register, Monroe County  
Leon A. Salter, Clerk and Register, Conecuh County

36th Judicial Circuit

Ernest Shelton, Clerk and Register, Lawrence County

37th Judicial Circuit

Ike Harold (Hal) Smith, Clerk and Register, Lee County

38th Judicial Circuit

Lois Stewart, Register, Jackson County  
Charles Wann, Clerk, Jackson County

TRIAL COURT ADMINISTRATORS

10th Judicial Circuit (Birmingham Division)

Wadell Zanaty, Courts Coordinator, Birmingham

23rd Judicial Circuit

Glenn Singleton, Court Administrator, Huntsville

INTERMEDIATE COURT JUDGES

Autauga County

James E. Loftis  
Prattville

Harvey Albea  
Anniston

Baldwin County

Lucille Davidson  
Bay Minette

Cherokee County

W. H. Lumpkin  
Centre

George Pervy Thames  
Robertsdale

Chilton County

Robert L. Bowers  
Clanton

W. J. Nelson  
Fairhope

Choctaw County

John Y. Christopher  
Butler

Joseph F. Bischoff  
Foley

Barbour County

Fate Calton  
Eufaula

Cleburne County

Kerry Gwin McElroy  
Heflin

William H. Robertson, Jr.  
Clayton

Coffee County

Terry L. Butts  
Elba

Blount County

John D. Garren  
Oneonta

Colbert County

Jerry M. Vanderhoef  
Tuscumbia

Bullock County

T. H. Hoffman  
Fitzpatrick

Covington County

Clyde M. Love  
Andalusia

Butler County

Howard Haygood  
Greenville

Crenshaw County

Charles Kettler  
Luverne

Calhoun County

William C. Daniel  
Anniston

Cullman County

Robert A. Sapp  
Cullman

Dale County

T. L. Borom  
Ozark

Dallas County

B. M. Miller Childers  
Selma

DeKalb County

Richard C. Hunt  
Fort Payne

Hodge Grizzell  
Fort Payne

Elmore County

Edwin Sanford  
Wetumpka

Escambia County

Hugh Rozelle  
Atmore

Etowah County

Cyril Smith  
Gadsden

Franklin County

Jacky Warhurst  
Russellville

Geneva County

George A. Black  
Geneva

Greene County

William McKinley Branch  
Eutaw

Henry County

James W. Rane  
Abbeville

Houston County

Don P. Bennett  
Dothan

Jackson County

John L. Haislip  
Scottsboro

Jefferson County

George Reynolds  
Civil Court  
Birmingham

Arnold Drennan  
Civil Court  
Birmingham

Robert W. Gwin  
Criminal Court  
Birmingham

James C. Manning  
General Sessions Court  
Birmingham

Lauderdale County

R. Powell Duska  
Florence

Lawrence County

Cecil B. Caine  
Moulton

Lee County

William J. Samford, II  
Opelika

Limestone County

David Lee Rosenau, Jr.  
Athens

Macon County

Charles S. Conley  
Tuskegee

Madison County

James Esco  
Huntsville

Dan W. McCoy  
Huntsville

Marion County

Edward P. Fowler  
Hamilton

Marshall County

Melvin E. Grass  
Guntersville

Mobile County

Paul W. Brunson  
Mobile

Thomas F. Sweeney  
Mobile

Montgomery County

Alex W. Marks  
Montgomery

Morgan County

C. Bennett McRae  
Decatur

Robert T. McWhorter, Jr.  
Decatur

Pickens County

B. G. Robison  
Carrollton

Pike County

N. J. Cervera  
Troy

Russell County

Ben Walter Baker  
Phenix City

V. Cecil Curtis  
Phenix City

Shelby County

L. C. Payne  
Columbiana

St. Clair County

James Embry, Jr.  
Pell City

B. C. Banks  
Ashville

Sumter County

Thomas F. Seale  
Livingston

Talladega County

Wesley R. Smith  
Sylacauga

John W. Coleman  
Talladega

Tallapoosa County

John P. Oliver, II  
Dadeville

Tuscaloosa County

Jerome B. Baird  
Tuscaloosa

Walker County

Ershell Barentine  
Jasper

James C. Brotherton  
Jasper

Winston County

Elwood Rutledge  
Haleyville

PROBATE JUDGES

Autauga County

James D. Corley

Baldwin County

Harry D'Olive

Barbour County

George Edward Little

Bibb County

Fred H. Davis

Blount County

F. A. Bellenger

Bullock County

R. Jerry Green

Butler County

James T. Beeland

Calhoun County

G. Clyde Brittain

Chambers County

O. D. Alsobrook

Cherokee County

Paul C. Jordan

Chilton County

George D. Smith

Choctaw County

E. Mark Ezell

Clarke County

Fred L. Huggins

Clay County

J. B. Toland

Cleburne County

William H. Young

Coffee County

James L. Sawyer

Colbert County

Felix Felton

Conecuh County

Frank T. Salter

Coosa County

Mac Thomas

Covington County

Leland Enzor

Crenshaw County

John M. McSwean

Cullman County

Harold Guy Hunt

Dale County

S. Kirke Adams

Dallas County

Bernard A. Reynolds

DeKalb County

J. Frank Croley

Elmore County

Edward W. Enslin

Escambia County

Martha Kirkland

Etowah County

Wiley Hickman

Fayette County

Sam Collins

Franklin County

W. W. Weatherford

Geneva County

J. P. Faulk, Jr.

Greene County

William M. Branch

Hale County

Richard M. Avery

Henry County

W. L. Woodham

Houston County

R. J. Stembridge

Jackson County

Robert I. Gentry

Jefferson County

J. Paul Meeks

Lamar County

Berneal Brock

Lauderdale County

William B. Duncan

Lawrence County

W. J. Lee, Jr.

Lee County

Ira H. Weissinger

Limestone County

James M. Newby

Lowndes County

Harrell Hammonds

Macon County

Preston Hornsby

Madison County

Myrtle Green

Marengo County

Sammie Daniels

Marion County

Annette Bozeman

Marshall County

John L. Beard

Mobile County

John L. Moore

Monroe County

Otha Lee Biggs

Montgomery County

Perry O. Hooper

Morgan County

Bryan McAfee

Perry County

David S. Lee

Pickens County

Robert H. Kirksey

Pike County

Ben Reeves

Randolph County

James L. McMurray

Russell County

Wallace K. Brown

Shelby County

Conrad M. Fowler

St. Clair County

James S. Satterfield

Sumter County

Wilbur E. Dearman

Talladega County

G. Kyser Leonard

Tallapoosa County

Melba P. Barnes

Tuscaloosa County

John M. Puryear

Walker County

Flora L. Stewart

Washington County

Tom W. Turner

Wilcox County

Roland Cooper

Winston County

A. L. Wakefield

JUDICIAL INQUIRY COMMISSION

COURT OF THE JUDICIARY

JUDICIAL COMPENSATION COMMISSION

JUDICIAL INQUIRY COMMISSION

Pursuant to Alabama's new Judicial Article, the Judicial Inquiry Commission was established February 15, 1974. The commission is composed of seven members; one appellate court judge or justice appointed by the Supreme Court, two circuit judges appointed by the Circuit Judges' Association, two non-lawyers appointed by the governor, and two members of the Alabama State Bar Association appointed by the governing body of the Alabama State Bar. The members of the commission serve four year terms.

The commission is permanently convened and is presently located at 800 South McDonough, Montgomery, Alabama 36104. The commission has authority to conduct investigations and receive or initiate complaints against any judge of court of the Alabama judicial system. During the calendar year 1974, 125 complaints were received by the commission and 13 field investigations were conducted. It is the duty of the commission to file a complaint with the Court of the Judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform his duties; or (2) to charge that the judge is physically or mentally unable to perform his duties. One complaint was filed with the court of the judiciary in 1974.

The present membership of the Judicial Inquiry Commission is as follows:

Oliver W. Brantley  
Troy

Charles Poellnitz  
Florence

Cecil M. Deason  
Birmingham

Clifford K. Delony  
Tuscumbia

I. J. Scott  
Opelika

Basil Thompson  
Andalusia

Robert P. Bradley  
Montgomery



COURT OF THE JUDICIARY

The Court of the Judiciary was established by the new Judicial Article, Alabama Constitution, Art. 6, §157, and held its first hearing on March 12, 1974.

The Court of the Judiciary is composed of five members; one appellate court judge appointed by the Supreme Court and serves as chief judge, two circuit court judges appointed by the Circuit Judges' Association, and two members of the Alabama State Bar Association appointed by the governing body of the Alabama State Bar.

The court is convened to hear complaints filed by the Judicial Inquiry Commission and has authority after notice and public hearing (1) to remove from office, suspend without pay, or censure a judge, or apply such other sanction as may be prescribed by law, for violation of a canon of judicial ethics, misconduct in office, failure to perform his duties; or (2) to suspend with or without pay, or to retire a judge who is physically or mentally unable to perform his duties.

The Court of the Judiciary heard one complaint during 1974.

Appeal from a decision of the Court of the Judiciary may be made to the Supreme Court.

The present membership of the Court of the Judiciary is as follows:

Aubrey M. Cates, Jr.  
Montgomery

Joseph M. Hocklander  
Mobile

Eris F. Paul  
Elba

Harry H. Riddick  
Mobile

James J. Carter  
Montgomery

The following Rules of Procedure were adopted by the Supreme Court on March 11, 1974:

RULES OF PROCEDURE

ALABAMA COURT OF THE JUDICIARY

RULE I

Definitions when used in these Rules:

- (a) "Judicial Article" means the new Judicial Article of the Constitution of Alabama proclaimed December 27, 1973, to be Amendment No. 328 to the Constitution of Alabama, 1901.
- (b) "The Court" means the Alabama Court of the Judiciary created by the Judicial Article.
- (c) "Judge" means any justice or judge of a court of the judicial system of the State.
- (d) The terms "Service" and "Notice" shall include service or notice by personal delivery, certified mail, or registered mail.
- (e) "Complaint" means a formal written charge filed by the Judicial Inquiry Commission.

RULE 2

The Clerk of the Supreme Court of Alabama is designated as Secretary in all proceedings before the Court. He is empowered to perform those duties ordinarily performed by a clerk of a court of record in this state, and such other duties as the Court may delegate to him. He shall be the custodian of the records of the Court, which shall be preserved by him.

RULE 3

Formal proceedings respecting any judge shall be commenced by the filing of a complaint in the office of the Secretary in Montgomery. The complaint shall specify in plain and concise language the charges against the judge and the allegations of fact upon which such charges are based, and, in addition, may advise the judge of his right to file responsive pleadings to the charges not more than thirty (30) days after service of notice upon him. No other process of summons shall be necessary to institute said proceedings.

RULE 4

Service of notice of filing of a complaint shall be made by the Secretary or Chief Judge of the Court by certified mail or registered mail, with a copy of the complaint to be sent to the judge at his chambers, or at his last known residence address or, in the alternative, service may be made in a manner consistent with rules for service of process in civil cases in Alabama.

RULE 5

The judge may file responsive pleadings as provided in the Alabama Rules of Civil Procedure. Any such pleadings shall be filed in the Office of the Secretary in Montgomery by the judge not more than thirty (30) days following the service of the notice and the copy of the complaint upon him. For good cause shown, the Court may extend the time for filing such pleadings. All such responsive pleadings filed by the judge shall be in plain and concise language designed to fairly respond to the charges brought against him.

RULE 6

No member of the Court may participate in any proceedings before the Court involving his own conduct and involving a matter in which he is interested or involved.

RULE 7

Dilatory motions will be treated with disfavor. Any action which, in the opinion of the Court, would interfere with the prompt disposition of the proceedings pending before the Court shall be discouraged, and may be avoided by proper order of the Court.

RULE 8

The Court shall fix a date for hearing upon the complaint as expeditiously as possible. Notice of the date, time, and place of the hearing shall be served upon the judge and any counsel designated by him not less than thirty (30) days prior to the date upon which the hearing is set unless otherwise agreed to by the parties and the Court.

RULE 9

Hearing on the complaint shall be public before a majority of the members of the Court, except that the Court may delegate to any Judge of the Court such matters for preliminary determination as it may deem desirable or necessary to expedite the proceedings.

RULE 10

The process and procedure before the Court shall be as simple and direct as reasonably may be. Except where inappropriate, or otherwise provided for by these rules, the provisions of the Alabama Rules of Civil Procedure and the rules of evidence used in civil cases in Alabama shall govern proceedings before the Court, but the allegations of the complaint must be proved by clear and convincing evidence.

RULE 11

Notwithstanding the failure of any judge to file responsive pleadings or to appear, the Court may proceed with the hearing, provided however that all evidence in support of the complaint shall be heard by the Court in public hearing or filed in the course of public hearing.

RULE 12

Whenever it appears to the Court to be necessary or advisable, the Court may appoint counsel to represent any person who may be materially affected by the proceedings.

RULE 13

The Court may permit, upon request, any person who may be materially affected by the hearing to be designated as an interested party who shall be entitled to be represented by personal counsel to attend all hearings, to cross-examine witnesses, and to adduce evidence, if the Court deems same to be pertinent.

RULE 14

Any witness at any hearing of the Court shall, upon leave of the Court, have the right to be represented by counsel, but such counsel shall not participate in the hearing, or cross-examine witnesses, except by permission of the Court. The examination of all witnesses shall be conducted by counsel for the parties, and may also be conducted by any of the members of the Court.

RULE 15

It shall be the obligation of all judges and attorneys licensed to practice law in this state, when called upon to assist in any hearing, or to testify concerning any matter as to which he or they do not properly claim privilege as an attorney, to so assist, to testify and aid the Court in their duties.

RULE 16

At the conclusion of the hearing, the Court shall enter an appropriate order, exercising the authority vested in it by Section 6.18 of the Judicial Article, or shall dismiss the complaint. The concurrence of at least three members of the Court shall be necessary for a decision. The decision of the Court shall be final, subject to appeal rights contained in Section 6.18 (b) of the Judicial Article.

RULE 17

The Court may punish breaches of order and unprofessional conduct on the part of counsel, or any other person, by censure, exclusion from the hearing, if appropriate, or by punishment for contempt as in civil proceedings. The Court may designate a person, or persons, including the Marshal and/or Assistant Marshal of the Supreme Court of Alabama, to act as bailiff or bailiffs to be in attendance at all of its hearings.

RULE 18

The Court shall, upon advising the parties, have the right to take judicial notice of such matters of which courts of record of this state may take judicial notice.

RULE 19

The Court shall conduct the hearings at such place or places in the state as it shall determine will best serve the public interest.

RULE 20

All orders of the Court shall be in writing, and shall be preserved by the Secretary in the permanent records of the Court.

RULE 21

A verbatim transcript of the proceedings before the Court shall be kept, and the original thereof transcribed and filed in the Office of the Secretary in Montgomery as a part of the record of the proceedings. The transcript shall be prepared by a reporter designated by the Court. The parties, with the approval of the Court, may agree on a different method, other than a reporter's shorthand or machine method, or recording and transcribing the proceedings.

RULE 22

The Secretary shall prepare and have available for issuance at the request of any party, subpoenas returnable before the Alabama Court of the Judiciary. All witnesses shall be entitled to such witness fees and expenses as in any civil proceeding in this state.

RULE 23

Prior to the hearings, all interested parties that appear of record at the time of the commencement of the proceedings, and any interested party who may subsequently become a part of such proceedings, shall be entitled to receive copies of these Rules of Procedure, and shall be governed thereby.

RULE 24

In the event the Chief Judge is disqualified or is unable to serve, then the presiding judge shall be an appellate justice or judge appointed to replace the Chief Judge or the most senior circuit judge serving.

RULE 25

The effective date of these Rules shall be the 11th day of March, 1974.

JUDICIAL COMPENSATION COMMISSION

The Judicial Compensation Commission was established by the new Judicial Article and is composed of five members who are appointed for four year terms. The commission is charged with the duty of making recommendations to the legislature as to salary and expense allowances to be paid from the state treasury to all judges of the state with the exception of judges of the probate court.

The present membership of the commission is as follows:

Charles Hohenberg  
Selma

Joseph F. Johnston  
Birmingham

Oakley Melton, Jr.  
Montgomery

Bailey Anderson  
Florence

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

On June 26, 1973, the Law Enforcement Assistance Administration approved a discretionary award in the amount of \$500,000 (federal funds) to the Department of Court Management. The umbrella project funded by this grant was treated very briefly in the Biennial Report 1972-1973. However, based upon requested extensions of the time frame within which to complete the project, the services and, where applicable, resulting work products were provided, to a large extent, in 1974 and will be treated in some detail in this report.

The project funded by LEAA Discretionary Grant No. 73-DF-04-0044 had as its principal goal ". . . the successful first-year implementation of a five-year Master Plan for Courts, Prosecution, Defense and Law Reform in the State of Alabama [Courts Master Plan]." This plan, prepared by Resource Planning Corporation, Inc., was one of the first such plans developed in the Southeast, and perhaps the nation. The successful implementation of the recommendations applicable the first year (and the remaining four years) had important ramifications which could well extend beyond the geographical boundaries of Alabama.

The overall project was composed of numerous and varied sub-projects, most of which should be considered individually.

FEDERALLY-FUNDED PROJECTS

Law Enforcement Assistance Administration

Alabama Law Enforcement Planning Agency

Office of Highway and Traffic Safety

### Penal Code Development

The objective of this sub-project was to formulate a detailed proposal for a comprehensive new substantive law criminal code for the State of Alabama. The work product of the sub-project was to consist of the text of a bill to be submitted to the Alabama Legislature together with a commentary of each section of the draft.

Inclusion of this sub-project in the discretionary grant project constituted a continuation of an effort which had been previously and consecutively funded under two (2) Block "C" grant awards from the Alabama Law Enforcement Planning Agency to the Alabama Law Institute. During the final phase of the effort funded by Discretionary Grant No. 73-DF-04-0044, remaining chapters were drafted and reviewed; the complete draft was again reviewed and checked for accuracy; and arrangements were made for the publication of the 380-page report entitled, Proposed Revision with Commentary - Alabama Criminal Code, bearing date October, 1974. It is contemplated that copies of the report will receive wide distribution, and that the report will be carefully reviewed further by the Criminal Code Advisory Committee prior to submission to the 1975 Regular Session of the Alabama Legislature. The efforts of the Advisory Committee should provide to the Alabama Legislature for its consideration one of the very best substantive criminal codes in the nation.

### American Bar Association Standards Analysis

In recognition of the recently promulgated ABA Standards for Criminal Justice, it was determined that a sub-project should be included in the discretionary grant project which would have as its objective a comparative analysis of those standards and existing Alabama law, rules, and legal practice. A fifteen-member committee was appointed to undertake the project which, in addition to discretionary grant funding, received limited financial support from the American Bar Association.

The objective of this sub-project was attained with the publication of the report entitled Comparative Analysis of American Bar Association Standards for Criminal Justice with Alabama Law, Rules and Legal Practice. This 348-page report addresses each of the ABA Standards for Criminal Justice, setting forth any comparable Alabama law, rules or legal practice, followed by the committee's comment (recommendation). Copies of the report are being distributed to all members of the judiciary, the Alabama State Bar Association, and interested organizations and individuals.

### Survey - LEAA National Advisory Commission on Criminal Justice Standards and Goals

The National Advisory Commission was appointed in October, 1971, to formulate for the first time national criminal justice standards and goals for crime reduction and prevention at the state and local levels. The objective of this sub-project was to effect a comparative analysis of the LEAA Standards and

Goals--Standards for Courts with Alabama law, rules and legal practice. A report following the format of the ABA Standards for Criminal Justice report, i.e., LEAA Standards--Alabama Law--Comment, was prepared, based upon the comparative analysis, and published under the title, Comparative Analysis of National Advisory Commission on Criminal Justice Standards and Goals--Report on Courts with Alabama State Law, Rules and Legal Practice. The report will be of continuing benefit in the effort to improve the administration of justice in Alabama.

#### Comparative Juvenile Procedure Analysis

This sub-project was undertaken by Cumberland School of Law of Samford University with a two-fold purpose:

(1) empirical research into the implementation of the various juvenile court statutes within the state with emphasis on the lack of uniformity county-to-county in organization, jurisdiction, and procedure; and (2) the formulation of specific recommendations with regard to juvenile jurisdiction and the exercise thereof under the new court system in the implementation of the new Judicial Article of the Constitution of the State of Alabama (Amendment No. 328 to Constitution of 1901). The 272-page report based upon the study, entitled Alabama Juvenile Court Analysis Project, traces the legislative history of juvenile court laws of Alabama since 1907, through the present, and sets forth standards and recommendations for the future.

#### Judicial Article Implementation

This sub-project was complementary to the specific project funded under the provisions of a Block "C" sub-grant award (ALEPA Sub-Grant No. 73-AS-18) to the Department of Court Management. Description of the specific project, including those phases funded by Discretionary Grant No. 73-DF-04-0044, will be set forth in detail hereinbelow.

#### Management Study - Office of Attorney General

Touche Ross and Company conducted this sub-project in two (2) phases, each of which resulted in the preparation of a report based thereon. The first such report, dated January, 1974, was entitled Report to the Office of the Attorney General of Alabama on System for Filing and Controlling Correspondence. In essence, the report constitutes proposed system procedures pertaining to improving the efficiency with which certain tasks are discharged by personnel in the Office of the Attorney General.

The second report, entitled Management Study, Organization, Systems and Procedures, was dated September, 1974. This report contains descriptions of the present organization, present problem areas and recommendations addressing those problem areas, and a plan to assist the Attorney General in implementing the recommendations.

#### Development of Education Plan

The objective of this sub-project was to develop a comprehensive educational plan for criminal justice personnel, as

well as other individuals encompassed within the overall system of the administration of justice, which would afford a continuing training process. This sub-project was undertaken by the University of Alabama School of Law and culminated in the publication of the work product entitled Five Year Continuing Education Proposal for Alabama Court and Prosecution Personnel.

#### Manual for Circuit Judges

The objective was to prepare and publish a circuit judge's bench manual which could then be supplemented by materials developed by the judge-recipients. The only such work available at the time of the initiation of this sub-project bore date 1953 and had been out of print for a number of years. The sub-project was undertaken by Cumberland School of Law of Samford University and culminated in the publication of Bench Manual: Circuit Judges, which basically follows a recommended form of such manuals published by the American Bar Association National Conference of State Trial Judges. Included are the following sections: Purpose; Descriptions; Publicity; Pre-Trial; Jury; Opening Statements; Witnesses; Final Argument; Sentencing.

#### Manual for Probate Judges

The objective of this sub-project was the preparation and publication of a bench manual for probate judges in Alabama; no such manual had previously been available. The contract for the sub-project was awarded to Cumberland School of Law of

Samford University and resulted in a 781-page two-volume work product entitled Bench Manual: Probate Judges. The manual is composed of the following sections: Probate Court Generally; Administrative and Selected Judicial Duties; Decedent's Estates; Commissioners' Courts; Commitment to Mental Hospitals; Infants; Guardian and Ward; Condemnation; County Courts; Duties of the Probate Judge in Criminal Process; Election Duties of Probate Judges; Contesting Elections; Juvenile Courts; Municipal Corporations; Partition; Appeal; and Removal from Probate Court.

#### Manual - Attorney General's Staff

This sub-project was undertaken by contract with the Office of the Attorney General, State of Alabama. There was totally lacking any semblance of a staff manual which would serve as a guide for attorneys engaged in criminal appellate functions in the Attorney General's Office. The work product, entitled "Staff Manual for Criminal Appellate Division - 1975," consists of 103 pages and, in addition to narrative instructional content, a total of twenty (20) forms for utilization in the appellate process.

#### Training - Defense Attorneys

A contract was entered into between the Alabama District Attorneys' Association and the Department of Court Management whereby the former arranged and conducted four (4) regional seminars for criminal defense attorneys. Subjects addressed at the one-day meetings, held at convenient locations within the state, included: Criminal Procedures with Emphasis



on Alabama Appellate Courts and the United States Supreme Court Over the Last Decade; Rules of Evidence; Trial Techniques; Prosecutor--Defense Attorney Relationships on Negotiation and Use of Discovery; Sentencing; Defenses to Include Illegal Searches and Statements. Speakers included prosecutors, defense attorneys, and judges.

#### Manual - Appellate Court Law Clerks

Each of the appellate court justices and judges is authorized a law clerk to assist in his or her tasks. Although each justice or judge has an individual attitude as to the duties imposed upon, and procedures to be followed by, his or her law clerk, there are general considerations applicable all law clerks.

An Appellate Court Law Clerks' Seminar was conducted in April, 1974, with a two-fold purpose: (1) to afford a forum for the exchange of ideas between outgoing and incoming law clerks; and (2) to provide an informational base upon which to prepare and publish a manual for the use of appellate court law clerks. Said manual, entitled Alabama Appellate Court Law Clerk's Manual, was published in July, 1974.

#### Manual for Clerks and Registers

The clerks and/or registers operated their offices for years without the benefits to be derived from a procedural manual. Such an informational guide was particularly needed by those individuals who were first assuming their duties.

A contract was entered into between the University of Alabama School of Law and the Department of Court Management which provided for the preparation and publication of such a manual. The work product, Manual for Clerks and Registers, contains the following sections: Office of the Clerk; Juries; Civil Cases; Criminal Cases; Fiscal Duties and Reports; Records and Files; Appellate Procedure; Additional Duties.

#### Law in the Social Studies Project

This project was initiated in the Huntsville City Schools in 1973 and continued into 1974. Involved was the initiation of an innovative educational concept in grades eight through ten. A Revised Curriculum Guide entitled Law and Justice in Our Changing Society was developed and published in 1974. The contents of the curriculum guide are as follows:

- Unit I Law: An Overview of Its Meaning, Need and Development
- Unit II The Structure of the United States Government System
  - A. Legislative Branch
  - B. Executive Branch
  - C. Judicial Branch
- Unit III Law and the United States
- Unit IV Justice Under Law: The Rights and Responsibilities of Man
- Unit V Law and the Community
  - A. Juvenile Law
  - B. Criminal Law
  - C. Civil Law
- Unit VI Consumer Law and the Community

- Unit VII History and Law of Alabama
- Unit VIII The Structure of Alabama's Governmental Systems
  - A. State
  - B. Local
- Unit IX Career Education
- Unit X The Challenge of Survival
  - A. Natural Disasters; Nuclear Disasters; Civil Defense
  - B. Environmental Problems; Energy Crisis
  - C. Crisis in the Cities
- Unit XI Principles of Democracy

SOURCE MATERIALS

Other sub-projects included local misdemeanor defense seminars; training and education programs; operational support, including the services of a court reporter-at-large; and the acquisition of robes for the circuit court judiciary.

NOTE: As of December 31, 1974, an application for Grant, the objective of which would be implementation of the Courts Master Plan (Second Year), was pending in the Atlanta Regional Office of the Law Enforcement Assistance Administration; funds had been released by the Washington Office for approval of the application and award of the grant.

ALEPA Sub-Grant Award No. 73-AS-2

The objective of this Block "C" award was to expand the capabilities and increase the efficiency of the Department of Court Management in providing administrative services to the judiciary of Alabama. The award was effective on October 1, 1973, and the grant period was extended through December 31, 1974. Basically, funding made available by this sub-grant award was utilized for the employment of personnel of the Department and operations attendant thereto.

In lieu of a detailed narrative setting forth job classifications and responsibilities, an organizational chart appears on the following page.

ALEPA Sub-Grant Award No. 73-AS-18

The project funded by this sub-grant award had as its objectives the following:

1. The creation of an advisory commission to seek answers to the many problems involved in making fundamental changes in the court system of Alabama.
2. An analysis of the lower courts of Alabama since this is where the most profound reorganization under the new article will take place.
3. An analysis of the rule-making function of the courts.
4. An analysis of the appellate process from the lowest through the highest level of courts in Alabama.

The Advisory Commission on Judicial Article Implementation was created by Order of Chief Justice Howell Heflin in

DEPARTMENT OF COURT MANAGEMENT

DIRECTOR  
(Chief Justice)

(1)

Administrative Assistant

(2)

Court Administrator

(2)

Public Inio. Off.

Courts Planner

Secretary

Div. of Traffic Relations  
Director

(3)

Data Sys. Off.

Legal Res. Off.

Fiscal Officer

Ass't. Director

(3)

Ass't. Data Sys. Off.

Ass't. Fiscal Officer

Secretary

(3)

Statistical Typist

Accounting  
Technician

Clerk  
Secretary

Court Referral Program  
Director (3)

Personnel/Training Officer

Secretary

(3)

Ass't. Director

(3)

Secretary

Ass't. Personnel/Training Off.

Equipment Operator

- (1) Compensated by State funds as Chief Justice, Supreme Court of Alabama.
  - (2) Positions funded by State appropriation.
  - (3) Positions funded by Office of Highway and Traffic Safety.
- All other positions funded by Alabama Law Enforcement Planning Agency.

April, 1974. Commission members were appointed by the Chief Justice shortly thereafter.

The mission of the Advisory Commission on Judicial Article Implementation was to consider and make detailed policy recommendations necessary to implement the provisions of the completely revised Judicial Article of the Alabama Constitution, which was approved by the electorate of the state on December 18, 1973, as Amendment No. 328 to the Constitution of 1901.

The Advisory Commission on Judicial Article Implementation is composed of prominent citizens from all parts of the state. All aspects of the state and local judicial systems are represented: judges, clerks, registers, district attorneys, lawyers, and members of the Legislature and local governments.

The Advisory Commission held its first meeting June 23-25, 1974, and conducted a careful analysis and appraisal of the problems which could be anticipated in the implementation process, and possible solutions therefor. The Commission was organized into four working committees subsequent to the June, 1974, meeting to facilitate careful study and formulation of preliminary recommendations with respect to the major aspects involved; district court organization, municipal courts and court-related agencies, personnel and administration, and fiscal and budgetary matters. A fifth committee on prosecution services was subsequently appointed, and an interim committee was organized to draft final recommendations in several crucial areas.

The Commission held extended meetings again in October and November, 1974, with a final meeting scheduled in February, 1975. The committees met frequently. The staff of the Commission and various consultants and advisors met with the committees for each of ten weekends over a three-month period.

The attendance at all meetings of both the full Commission and the committees was remarkably close to 100%, with all members participating actively and conscientiously. There has been continuous communication among members and staff. The contemplated report could not be completed without the vast amount of competent work by the consultants and the staff furnished by the Department of Court Management.

It can be confidently stated that every problem involved has been carefully considered by all members of the Commission, and that the recommendations based upon the effort will reflect the most thoroughly studied consensus.

The Commission has been unceasingly aware of the historical and social reasons for and the basic objective underlying the adoption of the new Judicial Article throughout its deliberations. The judicial system of the state remained essentially unchanged from 1875 until the abolition of the Justices of the Peace by Amendment No. 323, in 1972. In the interim, in an effort to keep up with the need for judicial service in cases not requiring the formality and expense of circuit court procedures, courts of limited jurisdiction were established in many, but not all,

counties. There are 85 of these courts, under 23 different names, each with a different jurisdiction and procedure, so that even a lawyer cannot know, from county to county, the proper or most convenient forum in which to present a claim for relief.

One of the principal objectives of the Judicial Article is to bring about uniformity in the courts of limited jurisdiction. Such uniformity will facilitate an effective and professional judicial service available to municipalities for enforcement of their ordinances and offer the public a vehicle for prompt settlement of claims and controversies of a special or limited nature.

Another principal Commission objective seeks to facilitate the combination of local, diverse and uncoordinated court-related personnel responsibilities and procedures to create an effective managerial concept. Such a concept reflects the approach necessary to implement the new Judicial Article.

The recommendations in the final report are intended to provide a system in which justice will be made available more quickly and competently, with appropriate recognition of fiscal responsibility.

An intensive examination of the structure and operations of the lower courts in Alabama was completed and reports prepared thereon for utilization by the Advisory Commission on Judicial Article Implementation in the formulation of that body's recommendations and, subsequently, for utilization by those charged with legislative drafting responsibilities. As indicated above,

it is in this area that the most profound reorganization under the new Judicial Article will occur; it was deemed essential that thorough familiarization with the present lower court structure and operations was a prerequisite to valid and feasible recommendations for the physical establishment of the district court structure and attendant considerations. This effort involved to a significant degree the expertise afforded by nationally-recognized consultants.

A contract was entered into between the American Judicature Society and the Department of Court Management for an analysis of the rule-making function of the courts. The report based upon the involved survey seeks to identify the areas in which the state high courts have promulgated rules and to identify the source of the power as constitutional, statutory, and/or inherent; to examine certain conflicts which have resulted from the courts' exercise of their rule-making power; and, where no rules have been promulgated by a court in a certain area, to determine whether such power is deemed to be vested in the court and, if so, to determine why no rules have been promulgated, and under what circumstances rules might be promulgated in the future.

During the progress of the grant project, it was determined that, in lieu of Item (4) above, funds projected for that purpose could be utilized more effectively in conducting public information and education conferences treating proposed implementing legislation. Subsequent to completion of both the

policy recommendations of the Advisory Commission and the drafting of proposed implementing legislation, a series of six to eight citizen education conferences will be held at selected locations throughout the state. These one-day conferences will be conducted by Advisory Commission staff, utilizing Commission membership in the geographic locations involved as faculty. This broad base educational program will provide citizen awareness of judicial modernization efforts.

DIVISION OF TRAFFIC RELATIONS

The Division of Traffic Relations is charged with various responsibilities in connection with the administration of justice in courts exercising jurisdiction over traffic offenses. There are 387 municipal courts and 85 intermediate courts that handle traffic offenses committed in their jurisdictions. Since an individual's first, perhaps only, experience with the judicial system is usually before a municipal court judge, it is very important that this experience impress upon the individual the dignity and fairness of the court. Therefore, the Division of Traffic Relations has established regular communications with judges of all the traffic courts in order to keep them aware of the latest developments in the law and assist them in any problems they may have.

DIVISION OF TRAFFIC RELATIONS

In order to upgrade the image of the traffic courts, educational programs in the form of conferences and seminars were held in 1974. A Municipal Judges' Seminar was held in conjunction with the Alabama League of Municipalities Annual Convention in Mobile on April 22-23, 1974. Topics presented and discussed included:

- Recent Impact Decisions on Searches and Seizures
- Tips on Writing Search Warrants
- Adult Driver Education and Rehabilitation
- Recent Impact Decisions Affecting Municipal Courts
- The New Alabama Ethics Law
- An Overview of the Recorder's Court Manual
- Laws of Evidence
- Review of the Judicial Article.

Municipal judges attending this conference were:

J. Bruce Alverson	Columbiana
Edward Barganier	Ft. Deposit
Joe G. Barnard	Birmingham
Moran Baxter	Headland
Gene E. Bell	Fairfield
Lucille Box	Ragland
Joseph B. Brogden	Atmore
Kirtley W. Brown	Marion
Terry L. Butts	Elba
Hollis Curl	Camden
Elwood Daugherty	Mt. Vernon
Thomas Deas	Saraland
Don C. Dickert	Brundidge
P. M. Dicks, Jr.	Butler
John Golden	Brookside
Charles Gorham	Warrior
John M. Graves	Blountsville
Dale Hamilton	Gulf Shores
Samuel E. Hayes	Crossville
E. C. Herrin	Irondale
J. H. Honeycutt	Linden
E. C. Hornsby	Tallasse
Harvey Jackson	Grove Hill
Jerry W. Jackson	Haleyville
John H. Jackson, Jr.	Clanton
Ron Kane	Napier Field
Roy G. Landrum	Adamsville
Jesse Lane	Daleville
S. J. Laurie	Chatom
J. Carter McFerrin	Tarrant City
Frank McGill	Opp
Harry W. McKay	Lincoln
Phyllis Nesbit	Daphne
J. B. Nix, Jr.	Evergreen
J. C. Norton	Selma
Matthis Piel	Montgomery
Malcon Pierce	Chickasaw
Emmett Roden	Florence
Gordon Rosen	Tuscaloosa
Alexy Saliba	Columbia
Fred A. Scott	Greenville
O. E. Self	Russellville
Tennant Smallwood	Birmingham
Thomas A. Smith, Jr.	Cullman
James Stivender	Gadsden
Thomas P. Stowe	Wetumpka
James Sturdivant	Huntsville
Glea H. Tutwiler	Greensboro
Roy C. White	Fairhope

John W. Williams, Jr.	Homewood
Lera Mae Williams	Ariton
Herndon Wilson	Mobile
Norman G. Winston	Gardendale
George Young	Fultondale

An Alabama Municipal Judges' Regional Conference at Enterprise State Junior College on June 14, 1974, was totally planned and sponsored by the Division. Topics presented and discussed included:

Physical Facilities and Courtroom Demeanor  
Calling of the Docket and Conduct of Trials  
Common Offenses Tried in Municipal Courts  
Warrants and Search and Seizure  
Administrative Duties of a Judge.

Municipal judges attending this conference were:

Joe G. Barnard	Birmingham
Thomas B. Huie	Midfield
Ron Kane	Napier Field
Jesse Lane	Daleville
Hilliard Moore	Clayhatchee
Alexy Saliba	Columbia
T. M. Smallwood	Birmingham
Jim Tucker	Napier Field
Lera Mae Williams	Ariton
F. S. Winford	Tuscumbia

In connection with the Second Annual Assemblage of Alabama Judiciary in Montgomery, Alabama, on October 5-7, 1974, the Division planned a part of the program for intermediate and municipal judges that concerned traffic court procedures and recent developments in traffic adjudication. Mr. Steve Goldspiel, Staff Director, Traffic Court Division of the American Bar Association, presented a lengthy analysis of the new A.B.A. Standards For Traffic Justice. Among the topics



presented and discussed were:

Traffic Court Procedures  
Search and Seizure  
Elements of Common Offenses  
A Judge's Administrative Responsibilities  
The Community Impact Program  
Proposed Legislation Affecting Municipal Courts.

In attendance were the following:

Intermediate Court Judges

E. Harvey Albea	Juvenile Court of Calhoun County
T. L. Borom	Inferior Court of Dale County
Walter G. Bridges	Bessemer Division Court
John W. Coleman	Talladega County Court, Northern Division
W. C. Daniel	Calhoun County Court
Arnold Drennen	Civil Court of Jefferson County
R. Powell Duska	Lauderdale County Court
Melvin E. Grass	County Court of Marshall County
Robert W. Gwin	Criminal Court of Jefferson County
Alex A. Marks	Inferior Court, Montgomery County
C. Bennett McRae	Morgan County Court
D. L. Rosenau, Jr.	Superior Court, Limestone County
Bill Samford	District Court, Opelika
Edwin Sanford	Law and Juvenile Court of Elmore County
Robert A. Sapp	Intermediate Court of Cullman County
Thomas F. Seale	Sumter County Court of Record
Cyril L. Smith	County Court of Etowah County
Wesley R. Smith	Talladega County Court, Southern Division

Municipal Court Judges

Edward P. Barganier	Fort Deposit
Joe G. Barnard	Birmingham
Gene E. Bell	Fairfield
William L. Cole	Springville
James N. Curtis	Courtland
Don C. Dickert	Brundidge
John Golden	Brookside
David H. Hood, Jr.	Brighton and Roosevelt City
Hardy B. Jackson	Arab
Norman N. Loper	Thomasville
E. L. Martin	Lincoln
Aaron Massingill	Sylvania and Ider
Phyllis Nesbit	Daphne and Silverhill

Maxwell Peters	Northport
Matthis W. Piel	Montgomery
Malcon B. Pierce	Chickasaw and Saraland
Douglas R. Pittman	New Brockton
Emmett N. Roden	Florence
William H. Saliba	Mobile
T. M. Smallwood, Jr.	Birmingham
James C. Stivender	Gadsden
L. D. Vail	Reform
Roy C. White	Fairhope
F. S. Winford	Tuscumbia
Norman G. Winston	Gardendale

On December 6-7, 1974, the Division of Traffic Relations planned and sponsored a Traffic Court Judges' Seminar at Joe Wheeler State Park in Rogersville, Alabama.

Topics presented and discussed included:

Law and Proof of the DWI Case  
Administrative Handling of DWI Cases  
A Policeman's Point of View  
Sentencing Traffic Violators  
A Judge's Administrative Responsibilities  
Traffic Safety in Alabama  
Taking Pleas in Relation to Argersinger, Tate, and Williams.

Intermediate court judges attending were:

T. L. Borom	Inferior Court of Dale County
Walter G. Bridges	Bessemer Division Court
James C. Esco	Madison County Court
John L. Haislip	Jackson County Court
Howard Haygood	Inferior Court of Butler County
Dan W. McCoy	Court of General Sessions, Madison County
John Percy Oliver, II	Tallapoosa County Court of Common Pleas
B. G. Robison, Jr.	Intermediate Court of Pickens County
D. L. Rosenau, Jr.	Superior Court, Limestone County

Municipal court judges attending were:

Frank Allen	Boaz
Joe G. Barnard	Birmingham
W. R. Belcher	Phenix City
Gene E. Bell	Fairfield
William L. Cole	Springville

J. Kenneth Girard	Pickensville
Henry LeRoy Hammond	Anderson
Ken Hewlett	Cherokee
Jesse W. Lane	Daleville
Aaron W. Massingill	Sylvania
H. R. Moore	Clayhatchee
Matthis W. Piel	Montgomery
William N. Pitts	Sheffield
C. R. Richards	Killen
Maurice Rogers	Hoover
Thomas F. Seale	Livingston
O. E. Self	Russellville
T. M. Smallwood, Jr.	Birmingham
Donald W. Stewart	Rainbow City
James C. Stivender	Gadsden
Glea H. Tutwiler	Greensboro
Morgan Weeks	Hollywood and Scottsboro
Donald R. White	Anderson
John W. Williams, Jr.	Homewood
Norman Winston	Gardendale

In furtherance of the Division of Traffic Relations' goal of upgrading the traffic courts, the Division sent several traffic court judges to national training conferences sponsored by the American Bar Association and other similar organizations. The Division funded the attendance of Montgomery Municipal Court Judge Matthis Piel at the National College of the State Judiciary in Reno, Nevada, for a special court seminar on Sentencing and Mobile County Court of General Sessions Judge Paul Brunson for a special court seminar on Evidence and Sentencing. Judge John L. Haislip, Jackson County Court, attended the American Bar Association Commission on a National Institute of Justice in Atlanta, Georgia. Birmingham Municipal Court Judge Tennant M. Smallwood attended the American Academy of Judicial Education's National Academy Session in Boulder, Colorado.

Staff members of the Division of Traffic Relations attended various educational seminars and conferences during the year in order to better enable themselves to understand the problems faced by the traffic courts and to obtain possible solutions to these problems. Conferences attended were:

Regional Alcohol Highway-Traffic Safety Conference in Atlanta, Georgia

Sub-Committee on Operations of the National Committee on Uniform Traffic Laws and Ordinances in Washington, D. C.

The National Association of Women's Highway Safety Leaders, Inc. Region IV Workshop in Montgomery

7th Annual Tri-State Driver Improvement Conference in Tallahassee, Florida

Instructor Training Institute for Traffic Court Judges in Atlanta, Georgia.

Several research projects concerning the operation of the municipal courts were undertaken. The personnel of the Division distributed 125 copies of the Survey of Selected Alabama Municipal Courts, which had been previously designed, conducted, and compiled by the Division. Responses to the questionnaire pertaining to the eligibility of present traffic court judges to sit as judges of the proposed district courts were analyzed, and it was found that 14 of the municipal court judges, and 50 of the intermediate court judges would be eligible to sit as district court judges. A large map was prepared showing the location of all the various traffic courts throughout the State. A separate delineation indicates the type of court and, to some extent, who serves as the judge. This map

has a two-fold purpose. First, to help the Division plan its educational seminars in strategic locations to obtain high attendance without sacrificing convenience. Secondly, the map will be used to coordinate personal visits with the traffic court judges in order to keep them aware of the latest developments in the law and to remind the judges to send in their conviction reports and to remit certain court costs to the State. A survey of all the municipal courts in the State was made to determine which ones were not sending in their conviction reports or remitting certain court costs to the State. Based on information provided through September 30, 1974, 187 courts were not sending in their conviction reports, 96 were not remitting the Peace Officer's Annuity and Benefits Fund, 257 were not remitting the Fair Trial Tax, and 228 were not remitting the Driver Education and Training Fund. All of the State's 387 municipal courts were included in this survey.

DRIVER IMPROVEMENT OFFICE

Since March, 1973, the Department of Court Management has developed several programs in an attempt to reduce Alabama's highway accident/fatality rate. The department is seeking to improve traffic safety through the courts by developing the interest of local leaders and citizens in solving their problems with limited control and full support from the state. The ultimate goal is the establishment of a state-wide network of court referral programs that are self-supporting so that city and county courts may refer problem drivers (DWI offenders and traffic law violators) to a program in or near the individual's own community.

The magnitude of the traffic safety problem and the need for a judicial tool for the correction of problem drivers dictated that the Department of Court Management be designated as the responsible agency for the establishment and supervision of the State's "Community Impact" Program. This program has a three-pronged thrust: The National Safety Council's Defensive Driving Courts (DDC) for court referrals of traffic law violators and others (volunteers) who wish to attend to correct their driving habits; the DWI Counterattack Program (DWI) for court referrals of DWI offenders; and Safety Councils to provide a full range of accident prevention services to the entire community and promote and teach traffic safety to the public at large.

Assisting communities in establishing Safety Councils became an added responsibility of the Driver Improvement Office during the latter part of 1974.

The Court Referral Program is a blueprint for maximum state and local involvement in adult driver education. It is based on the premise that one of the major weaknesses of the motor vehicle transportation system in Alabama is lack of a systematic training program in accident avoidance for all drivers and that, with accident avoidance training as represented by this program, drivers would have fewer accidents and traffic violations, thereby greatly reducing the annual death toll, injuries and economic waste caused by traffic accidents.

In Alabama, the average driver, teenage and adult, has been informally trained and what he knows about traffic laws, safe driving techniques, and attitudes has been acquired in a woefully random manner. Also, there are numerous basic points of law in the Alabama Motor Vehicle Code that he does not understand.

The State's Court Referral Program is designed to remedy these driver deficiencies with strong emphasis on the techniques of accident avoidance and to help make better and safer drivers. As stated previously, it actually consists of two separate programs: The National Safety Council's Defensive Driving Course (DDC), for court referrals of traffic law violators (volunteers are also encouraged to attend); and a DWI Counterattack Program (DWI), which is primarily for first-time DWI offenders.

#### DEFENSIVE DRIVING COURSE (DDC)

The Defensive Driving Course is a standardized adult driver improvement course in accident avoidance, based on the concept of preventability, that traffic accidents can be avoided by taking the proper action, and by taking it in time. Accordingly, the course teaches professional safe driving skills culminating in one essential driving maxim: drive so as to prevent accidents in spite of adverse conditions. The average driver is trained to recognize the hazard, understand the defense, and to act in time to prevent the accident.

a. During the calendar year 1974, the network of Defensive Driving Courses (DDC) was expanded to 35 separate locations. Seventeen (17) courses are now available to 26 counties for court referral of traffic law violators. These counties include Autauga, Baldwin, Blount, Calhoun, Cleburne, Coffee, Cherokee, Colbert, Cullman, Dallas, Elmore, Etowah, Franklin, Jefferson, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Madison, Marion, Mobile, Montgomery, Morgan, Tuscaloosa, and Winston. In addition, the State's nine (9) Law Enforcement Academies include DDC in their curricula and nine (9) private, educational, military, and other governmental agencies provide DDC for their employees/ personnel to correct their driving habits.

b. During 1974, Governor George C. Wallace approved a State-Driver Training Program that will provide the Defensive Driving Course to state employees who drive state vehicles and those who drive their own vehicles on

state business. This program will be provided initially to employees in the greater Montgomery area. Coordination will be accomplished with the Department of Public Safety, Personnel Department, and the Employees' Association to develop schedules, course locations, and dates. This program should be completed during calendar year 1975.

c. In February, 1974, this office assumed the responsibility of the state-wide Defensive Driving Course (DDC) Volunteer Program from the State Safety Coordinating Committee. This responsibility entails coordination and cooperation with all National Safety Council Cooperating Agencies, organizations and individuals throughout the state who volunteer to participate in the DDC program. It also includes guidance and direction of State Troopers and other qualified DDC instructors who provide driver improvement training to schools, colleges, church groups, civic organizations, clubs, industry, and emergency ambulance drivers throughout Alabama.

#### DWI COUNTERATTACK PROGRAM (DWI)

The DWI Counterattack Program is an educational effort separate from law enforcement. It is used as a court referral program in an effort to prevent accidents caused by the drinking driver. The course is designed to provide information on the consequences of drinking and driving with the focus on individual differences in tolerances to alcohol, to consider both the reasons why people drink and drive and countermeasures to the problem. The drinking driver has traditionally been dealt with through law enforcement and

criminal court procedures, essentially punitive in nature. The state's DWI Counterattack Program is a supplement to traditional procedures, not a substitute for them. It is based on the assumption that drinking and driving is a significant force in traffic accidents/fatalities; alcohol reduces skills needed in driving, vision, perception, judgement, and motor response; and in a friendly, non-judicial class setting, led by competent instructors, DWI offenders can be helped to understand these assumptions and to consider and adopt ways to improve their behavior. This program is the only one in existence that is geared directly to the driver who drinks.

a. During 1974, the Driver Improvement Office concentrated primarily on DWI Counterattack Program expansion. An additional employee was hired in August to assist in these efforts. At the end of calendar year 1973, there were eleven (11) courses established serving the needs of thirteen (13) counties. As of December, 1974, the state-wide network consists of twenty-two (22) courses that are available to thirty (30) counties. In addition, nine (9) courses that are in the planning stage will be available to nineteen (19) counties bringing the total to twenty-nine (29) programs serving forty-nine (49) counties. Some of these counties will not participate immediately, but have indicated they will join the referral process at a later date. Counties that currently have the program available include: Autauga, Barbour, Baldwin, Bibb, Calhoun, Cleburne, Colbert, Conecuh,

Cullman, Dale, Elmore, Escambia, Franklin, Geneva, Henry, Houston, Jefferson, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marion, Mobile, Montgomery, Morgan, Pickens, Tuscaloosa, and Winston. Counties listed in the planning stage are: Blount, Butler, Cherokee, Choctaw, Clarke, Clay, Crenshaw, Dallas, Etowah, Greene, Hale, Lee, Marengo, Monroe, Perry, Randolph, Sumter, Talladega, and Wilcox.

b. To assist traffic court judges in the DWI Counterattack Program, the Driver Improvement Office developed a State Court Program for education and rehabilitation of drinking drivers (DWI). Coordination with the Division of Alcoholism and Drug Abuse, Department of Mental Health, was completed to develop a rehabilitation portion of the program. This program will set forth the scope, objectives, responsibilities and procedures for the screening out of the alcoholic and near-alcoholic from the DWI offenders during their attendance in a DWI Counterattack Program. These persons, after identification, will be closely observed by alcoholism specialists and earmarked for possible medical treatment and rehabilitation through the alcohol and drug abuse program of the Department of Mental Health.

#### SAFETY COUNCILS

In September, 1974, another dimension was added to the State's "Community Impact" Program -- local Safety Councils. Safety Councils are proven vehicles for communities to use in attacking the traffic accident problem. Successful councils include civic and business leaders, law enforcement

officials, city and county government, professional safety personnel, and especially service, religious, patriotic, professional, and other groups that represent the community. Many of these groups may well be carrying on their own accident prevention projects and are encouraged to continue.

a. A safety council can bring people and groups together in a community-wide citizen organization to: unite on common programs; decide which segment of the overall problem each can best attack; and coordinate their plans and projects to gain maximum effectiveness and avoid duplication of effort.

b. Safety Councils can establish many objectives such as accident prevention by initiating public information programs to help individuals become informed, safety-minded and willing to support sound measures for improvement.

c. As of December, 1974 eight (8) local Safety Councils were established throughout the State. One program, in Montgomery, is inactive. Council locations include Anniston, Birmingham, Decatur, Gadsden, Huntsville, Mobile, Montgomery (inactive), Selma, and Tuscaloosa. The most recent local Safety Council was established in Decatur. This council was organized in August, 1974, and they plan to include the DDC program in their area of responsibility.

#### PROGRAM EVALUATION

A review of the "Community Impact" Program was conducted with Dr. David Brown, Associate Professor, Industrial Engineering, Auburn University. Dr. Brown is evaluating

the State's highway and traffic safety programs to determine their cost/effectiveness. The evaluation of these programs is divided into two aspects: Operational and Cost/Effectiveness.

a. Operational evaluations are to determine if the funded agency is acceptably meeting its contract commitments.

b. Cost/effectiveness evaluations are aimed at determining an estimate of past life and accident savings as well as a projection of future benefits if the programs are continued or expanded. To determine the effect of the DWI Counterattack Program, a special study is being implemented at Mobile under the direction of Dr. Gary Minton, a psychologist. He will administer a questionnaire to the participants of the Mobile DWI course over the past two years. This is designed to determine both the immediate and long term effectiveness of the program in terms of the number of participants who stopped driving while drinking. Results obtained will be correlated with time to determine how long this effectiveness lasts. From this information, the reduced probability of an accident by the attendants can be obtained. In turn, the effectiveness of the program can be measured.

#### ALCOHOLISM WORKSHOPS

Finally, during 1974 the Department of Court Management prepared plans for a state-wide three-year effort in highway traffic safety with the initiation of a compre-

hensive alcohol countermeasures program involving members of the judiciary, elected officials representing city and county governments, representatives from city, county, and state law enforcement agencies, and other appropriate individuals. The "Alcohol Information and Education Program," a series of one and one-half day alcoholism workshops, is specifically aimed at alcohol in relation to highway safety. The thrust of this approach is to assist cities and counties in planning, developing, and implementing systematic approaches and programs of their own to cope with the problem.

a. The workshops are designed to accomplish two purposes: first, to focus on the necessity for cooperation and coordination among agencies and individuals in coping with the problem; and second, to focus on the need for each agency and individual to see himself as part of a system or a team, in which all functions should be coordinated if maximum impact on the problem is to be achieved. To avoid overlap or conflict of interest among various agencies and groups involved, the workshop has been designed to stress the importance of each individual agency's contribution to the overall effort.

b. Workshops will be organized, coordinated, and presented by the Department of Court Management in conjunction with the Alcoholism Association of Alabama and assisted by local Regional Alcoholism Councils. The Councils will prepare all phases of workshop planning and implementation, site location and dates for each workshop.

The "Community Impact" Program is unique in that the Department of Court Management has undertaken this important step toward improving traffic safety in Alabama: establishing a state-wide network of court referral programs, as tools for traffic court judges, and as educational extensions of their courtrooms.

a. The National Safety Council has cited the Department of Court Management for "noteworthy contributions to traffic safety." The citation reads, ". . . the establishment of a state network of Defensive Driving Training Agencies throughout the State of Alabama . . . is a pioneering effort of great significance and may well serve as an example to other states of a driver improvement program as an arm of a state traffic court system."

b. It is also worthy of note that several states and foreign countries have requested information concerning these programs for possible adoption.

TRAINING AND EDUCATION



## JUDICIAL EDUCATION

Continued emphasis was placed upon training and education programs, in-state and out-of-state, for the judiciary in 1974. In addition to the Department of Court Management, sponsoring and coordinating entities for in-state programs included: Alabama Program of Continuing Legal Education; Alabama Association of Circuit Judges; Alabama Association of Intermediate Judges; Alabama Association of Municipal Judges; Alabama Association of Juvenile Judges; Alabama Association of Probate Judges; Alabama League of Municipalities; and the Alabama State Bar Association. Attendance of members of the judiciary at out-of-state programs was coordinated primarily by the Department of Court Management and local governmental entities by the Law Enforcement Assistance Administration, the Alabama Law Enforcement Planning Agency, and the Office of Highway and Traffic Safety, State of Alabama,\* as well as certain state appropriations.

### In-State Programs

An Orientation Program for newly-appointed or elected circuit judges was conducted by the Department of Court Management in Birmingham, Alabama on January 7-9, 1974. Nine circuit judges attended the Orientation Program, the objective of which was to "bridge the gap from lawyer

\* Limited to judges exercising traffic court jurisdiction; specifically treated under section entitled, "Division of Traffic Relations."

to judge"; the three-day session was designed specifically to meet the immediate needs of neophyte judges. Subjects to which attention was directed included the following:

- Overview--Alabama Rules of Civil Procedure (ARCP)
- Organization of Court
- Pleadings and Motion Practice; Pre-trial Conference
- Pitfalls to Avoid in Evidence
- Trial Motions--Jury Instructions
- Workmen's Compensation Act
- Non-jury Trial Considerations
- Organization of Criminal Court
- Philosophy of Alabama Rules of Civil Procedure (ARCP)
- Image of the Judiciary
- Criminal Jury Instructions
- Sentencing and Probation
- Youthful Offender Act and Youth Services Act

The faculty for the Orientation Program included two members of the Supreme Court of Alabama; thirteen circuit judges; and two members of the Standing Committee on Alabama Rules of Civil Procedure.

Commensurate with the Mid-Winter Meeting of the Alabama State Bar Association, the Mid-Winter Meeting of the Alabama Association of Circuit Judges, sponsored by the Department of Court Management, was conducted in Montgomery, Alabama on February 8-9, 1974. This conference was open to appellate, circuit, and intermediate court judges, thus

providing a forum for judges from different tiers of the court system to meet together and discuss areas of mutual interest. Further, planning was such as to permit an interchange between members of the bench and bar attending the respective meetings. Eighty-eight appellate, circuit, and intermediate court judges attended the Mid-Winter Meeting. Topics discussed included the following:

- Alabama Rules of Civil Procedure (ARCP)
- Correctional Reform
- Criminal Justice
- No-Fault Insurance
- New Judicial Article
- Proposed Alabama Rules of Appellate Procedure

The Annual Meeting of the Alabama Association of Circuit Judges, sponsored by the Alabama Program of Continuing Legal Education, was conducted in Birmingham, Alabama on July 17-18, 1974. The meeting concluded with the joint bench-bar luncheon, which commenced the general session of the Annual Meeting of the Alabama State Bar Association.

Subjects presented at the Annual Meeting of the Alabama Association of Circuit Judges included the following:

- Recent Impact Decisions of the United States Supreme Court and Supreme Court of Alabama
- Consumer Protection Provisions of the Mini-Code
- Subrogation
- ABA Standards for Criminal Justice

Trusts and Estates and the Circuit Court

Problem Areas in the Alabama Rules of Civil Procedure (ARCP)

Court Management

A total of one hundred appellate, circuit, and intermediate court judges attended the meeting.

On October 5-7, 1974, the Second Assemblage of Alabama Judiciary was conducted in Montgomery, Alabama by the Department of Court Management. This conference, open to members of every tier of the court system, attracted a total of eighty-three attendees from appellate, circuit, intermediate, and municipal courts. Subjects considered varied from those of interest to particular jurisdictional levels to those of general interest, including:

- Criminal Code Revision
- Implementation of Judicial Article
- Pattern Jury Charges
- Youth Services Act--Youthful Offender Act
- Report of Commission on Corrections

The Second Assemblage of Alabama Judiciary coincided with the Formal Opening of the Fall Term of Court and attendees were encouraged to attend that event in the Judicial Building.

On October 31-November 1, 1974, the Fall Meeting of the Alabama Association of Circuit Judges was conducted at Cumberland School of Law of Samford University in Birmingham,

Alabama. Sponsored by Continuing Legal Education, the meeting attracted 85 attendees. Included on the agenda were the following subjects:

Proposed New Criminal Code

Mathematics of Workmen's Compensation

Proposed Alabama Rules of Appellate Procedure

New Alabama Code

Public Relations

Docket Control

Court Reporter School

Proposed Alabama Rules of Criminal Procedure

Out-of-State Programs

Members of the Alabama judiciary and court administrative staffs have, in the last several years, well represented the state at training programs of the National College of the State Judiciary, American Academy of Judicial Education, Appellate Judges' Conference, New York University, Continuing Legal Education, Louisiana State University, and Traffic Court Division of the American Bar Association, and the Institute for Court Management.

The following reflects attendance at the respective institutions in 1974:

NATIONAL COLLEGE OF THE STATE JUDICIARY

Criminal Law, Graduate

David R. Archer      23rd Judicial Circuit

Regular Four Week, Session I

David Haigler	10th Judicial Circuit
H. E. Holladay	30th Judicial Circuit
Charles Nice	10th Judicial Circuit
Jack C. Riley	32nd Judicial Circuit

Regular Two Week, Session I

James D. Buck	6th Judicial Circuit
---------------	----------------------

Regular Four Week, Session II

Richard C. Hunt	DeKalb County Court
S. A. Watson, Jr.	23rd Judicial Circuit

Regular Two Week, Session II

Cyril Smith	Etowah County Court
-------------	---------------------

Sentencing, Specialty

Paul W. Brunson	Mobile County Court of General Sessions
Matthis W. Piel	Montgomery Municipal Court

Evidence, Specialty

Paul W. Brunson	Mobile County Court of General Sessions
James C. Esco	Madison County Court

Court Administration

John D. Snodgrass	23rd Judicial Circuit
-------------------	-----------------------

AMERICAN ACADEMY OF JUDICIAL EDUCATION

Winter Specialty Academies

David R. Archer	23rd Judicial Circuit
Cecil B. Caine	Lawrence County Court
Peter A. Hall	Birmingham Recorder's Court
Burgin Hawkins	Criminal Court of Jefferson County
William Lumpkin	Cherokee County Court
Ferrill D. McRae	13th Judicial Circuit
T. M. Smallwood	Birmingham Recorder's Court
W. C. Sullivan	29th Judicial Circuit
J. M. Vanderhoef	Colbert County Court
N. G. Winston	Gardendale Recorder's Court

Graduate Program

D. L. Rosenau	Limestone County Court
---------------	------------------------

Judicial Writing Program

Hugh Maddox	Supreme Court of Alabama
-------------	--------------------------

National Academy

T. M. Smallwood	Birmingham Recorder's Court
-----------------	-----------------------------

Fall Specialty Academies

John C. Tyson, III	Alabama Court of Criminal Appeals
--------------------	--------------------------------------

**END**