ALABAMA COURT NEWS

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ICOY Urges Prevention and Intervention

In closing the sixth Interagency Conference on Youth, Judge Patricia Smith, conference chairperson, urged the 350 participants "to make a difference" in their communities with the information presented during the conference — "Breaking The Cycle of Violence."

The three-day event, Feb. 15-17 at The Governors House in Montgomery, was for juvenile court officials, law enforcement officers, social workers, mental health professionals, educators and those concerned about prevention strategies for children.

To open the conference, Chief Justice Sonny Hornsby spoke about the importance of improving the juvenile justice system. "Serving as chairperson for the Alabama Juvenile Justice Coordinating Council has provided me with opportunities to see first hand the dedication and hard work of so many individuals and groups on behalf of children," said Chief Justice Hornsby. "I am enthusiastic about the progress we have already made in Alabama in the area of juvenile justice; however, as long as we have children that are deprived of a normal, healthy and happy life — our work is never complete," he added.

With violence prevention and intervention as the theme of the conference, participants selected two of nine workshops and attended four plenary sessions. Speakers from Massachusetts, California, Washington, D.C., Alabama, New Mexico and Maryland covered topics concerning violence prevention, intervention in potentially violent situations and dealing with perpetrators of violence.

H. Stephen Glenn, president of Empowering People Associates, spoke about "Developing Capable People." He said people usually demand too much too soon from children. "We should celebrate young people — not

(See "ICOY" next page)

THIRD CITIZENS' CONFERENCE ON THE ALABAMA STATE COURTS

Topics: Judicial Selection and Campaign Financing

"Planning is the bringing of the future to the present so we can deal with the future now," stated Chief Justice Sonny Hornsby, at the opening of the Third Citizens' Conference on the Alabama State Courts.

After two years of research and preparation, the conference commenced March 23 at the Carraway Convention Center in Birmingham. The efforts of the Judicial Conference and the Board of Bar Commissioners of the Alabama State Bar resulted in 120 Alabama citizens addressing the future selection of judges and the financing of judicial campaigns.

Conference co-chairmen, former Governor Albert P. Brewer and retired Supreme Court Justice Oscar Adams Jr., were responsible for selecting a cross-section of citizens from throughout the state. Those citizens represented individuals from the legal, governmental, medical, forestry, education, media, business, insurance and community service professions as well as other professions. A total of 147 citizens were invited. The group was 80 percent male and 20 percent female. Their racial make-up was 68 percent white and 32 percent black.

The eight-hour session, the first of four, included small-group discussions and presentations about the issues. Chief Justice Hornsby explained the origin of the third conference. It began in November 1992 when he requested the Alabama Judicial Planning Committee review the operation and administration of the Unified Judicial System. "I asked them to make recommendations to improve the efficiency and quality of judicial services," he said.

After the committee's year-long study, it recommended the Judicial Conference and the Board of Bar Commissioners request a citizens' conference on the courts — similar to conferences in the 1960s and 1970s. Broox G. Holmes, Alabama State Bar president, said the 1973 conference, supported by the Alabama State Bar, impacted the establishment of the unified judicial system in Alabama.

Co-chairmen Brewer and Adams addressed the assembly concerning the designation of their positions and the organization of the conference.

Other presentations were given by the following: Abner R. Powell III, attorney at law of Andalusia; David Boyd, attorney at law of Montgomery; Joe Whatley, attorney at law of Birmingham; Frances Zemans, vice president and executive director of the American Judicature Society of Chicago; and Dr. Patrick M. McFadden, Loyola University School of Law of Chicago.

The next session of the citizens' conference is May 4 at the RSA Activities Center, 201 Dexter Ave., Montgomery. Issues from the previous meeting as well as comprehensive family court and the creation of a single-tier trial court system will be reviewed.

The final sessions will be scheduled for the summer and winter of 1995. The Conference will submit recommendations to the Judicial Conference and the Board of Bar Commissioners after its winter session.

Other court officials serving as members of the conference include: C.C. Torbert Jr., retired chief justice, Supreme Court of Alabama; Hugh Maddox, associate justice, Supreme Court of Alabama; Ralph Cook, associate justice, Supreme Court of Alabama; Richard L. Jones, retired justice, Supreme Court of Alabama;

(See "Citizens'" next page)

Citizens' *(continued)*

Sam W. Taylor, presiding judge, Court of Criminal Appeals; William E. Robertson, presiding judge, Court of Civil Appeals; Sharon G. Yates, judge, Court of Civil Appeals; Richard L. Holmes, retired judge, Court of Civil Appeals; Joseph Colquitt, retired circuit judge, 6th Circuit; Eddie Hardaway Jr., presiding circuit judge, 17th Circuit; John England, circuit judge, 6th Circuit; Randall Cole, presiding circuit judge, 9th Circuit; Ken O. Simon, circuit judge, 10th Circuit; J. Richmond Pearson, circuit judge, 10th Circuit; Cain Kennedy, circuit judge, 13th Circuit; Joseph Phelps, retired circuit judge, 15th Circuit; Stephen W. Drinkard, circuit judge, 19th Circuit; Bobby R. Aderholt, circuit judge, 25th Circuit; James H. Reid, circuit judge, 28th Circuit; Hartwell Lutz, retired district judge, Madison County; Herman Y. Thomas, district judge, Mobile County; Aubrey Ford Jr., district judge, Macon County; Patricia M. Smith, district judge, Shelby County; Carl E. Chamblee Jr., municipal judge, Trussville; Daniel G. Reeves, circuit clerk, Shelby County; and Mary C. Moore, circuit clerk, Perry County.

ICOY *(continued)*

whether they win or lose, but what they learned from the situation," said Glenn.

Sarah M. Buel, director of the domestic violence unit in Suffolk County District Attorney's Office, in her presentation titled "You Can Make a Difference: A Prevention Strategy" said, "Children do not have to be physically abused themselves to abuse someone else." More than half the young men, ages 11-20, serving time for homicide, killed their mother's abuser, she said.

This year's sponsors of the conference were the Alabama Juvenile Justice Coordinating Council, Administrative Office of Courts, Juvenile Probation Officers, Children's Trust Fund, Governor's Office, Alabama Coalition Against Domestic Violence, Attorney General's Office and the departments of Education, Human Resources, Mental Health and Mental Retardation, Public Health and Youth Services.

It was partially funded by grants from the following sponsors: the Alabama Juvenile Coordinating Council; the Children's Trust Fund; and the Governor's Office.

REMOTE ACCESS ELIMINATES WAIT

Court Information available 12 times

Remote access subscribers are receiving information 12 times faster. On March 7 the Judicial Data Center upgraded the information system. Now users with 28,800 bits per second modems can receive information almost as soon as they strike the enter key.

The system, developed seven years ago, enables subscribers to access the Statewide Judicial Information System (SJIS), 24 hours a day, seven days a week, from their personal computers. "Remote access allows more immediate access to public records statewide; users don't have to phone the courthouse and can access records at any time it's convenient for them," said Debra P. Hackett, Circuit Clerk of Montgomery County.

The system was developed when remote access was requested by Sirote & Permutt PC of Birmingham. Upon their request, Judicial Data Center personnel created one of the first applications in the country with the capability of accessing court records.

As knowledge about remote access becomes widespread, its customers are increasing a[illegible]ming more diverse. A[illegible]scribers are using the [illegible]ess system. Court offi[illegible]neys, credit bureaus, in[illegible]anies, boards of educat[illegible]mployment agencies are [illegible] its users.

Users ar[illegible]ith read-only access, whi[illegible]llow them to change co[illegible]. Available information [illegible]-confidential civil, crimin[illegible] records. For attorneys [illegible]s valuable information [illegible]e style of a case, servic[illegible]nd judgments awarded. [illegible]ers primarily use the syst[illegible]ng a person's background.

Please [illegible]ne needing information [illegible]emote access to, the rem[illegible]sk in AOC's Court Assi[illegible]sion – (800) 392-8077. [illegible]ds callers a remote acc[illegible]. The service costs $100 [illegible] a month and 35 cents pe[illegible]o access the system, use[illegible]ersonal computer, a mo[illegible]mmunication software pa[illegible]s Crosstalk.

Court Personnel

Retirement — Talladega County Circuit Judge **William C. Sullivan** hangs up his robe after a 36-year career. Sullivan said he is most proud of his work on the Alabama Pattern Jury Instructions Committee. The panel published a set of jury instructions for civil cases that is a reference for most judges and lawyers in the state. Before starting his legal career in 1951, he graduated from the University of Alabama School of Law in 1949, served as mayor of Lincoln, Ala., played for a semi-pro baseball team and served in the U.S. Navy.

Appointments — **Susan T. Moquin**, district judge, Madison County, was appointed to fill the position of retiring District Judge Hartwell Lutz and **Dee Ann R. Truelove**, district judge, Sumter County, was appointed to fill the position of Circuit Court Judge Eddie Hardway Jr. **Drayton N. James**, circuit judge, 10th Circuit, was appointed to fill the position of Roger M. Monroe, judge of Civil Appeals.

Congratu[illegible] — to **Nancy Britnell** A[illegible] information officer, and **J[illegible] Patton III**, district ju[illegible]on County, Bessemer [illegible]their May 4, 1995, wedd[illegible]. Nancy's two years with [illegible]as been the managing [illegible]*bama Court News*. N[illegible] 14-year-old daughter B[illegible] Britnell will join Bill in [illegible]er area this summer. [illegible]year-old son, Heath Brit[illegible]y resides in Hoover.

In memori[illegible] — [illegible]er Jefferson County C[illegible]ge **William Hutchins** [illegible] of Mountain Brook, died [illegible]5. He served 18 years o[illegible]rcuit bench - 12 years as [illegible]cuit criminal judge and s[illegible] supernumerary judge. [illegible]ownson, Md., he was a gr[illegible] University of Maryland S[illegible]. Judge Cole began pract[illegible] Birmingham in 1946 and [illegible]ng partner in the firm of [illegible], Callaway & Vance.

Mobile's Drug Court Offers Relief For Offenders and Taxpayers

Two years into operation, the Mobile Diversionary Drug Treatment Program (MDDT) has saved taxpayers $806,400 and has graduated 25 participants. Alabama's first drug court is tracking with its mission statement — reintegrating youthful drug offenders into the community and work force by providing a therapeutic response as an alternative to incarceration thereby reducing taxpayers' expense.

MDDT is a 12-month comprehensive substance abuse intervention program. It offers offenders, charged with substance abuse related offenses, immediate treatment for their addiction. In return, the treatment aids in the reduction of future criminal activity and recidivism of the offenders.

The program has accepted 223 young adults since 1993. Of those accepted, 140 are active, 25 have graduated and 28 have been sentenced.

Mobile's drug court is modeled after Florida's Dade County Drug Court System. In 1991, because of the increase in drug-related cases on court dockets, Braxton L. Kittrell Jr., presiding circuit judge, 13th Circuit, Chris N. Galanos, former Mobile County district attorney, and the Mobile County Commission traveled to Miami to observe Dade County's system. Afterward, Leadership Mobile, a community-based organization, studied the extent of Mobile's drug-arrest problem. The group concluded that a drug court program was a viable alternative to incarceration in Mobile County.

The process eliminates a large percentage of first-time drug possession cases from regular court dockets and allows prosecution of more serious crimes to be expedited.

Criteria for MDDT

- Male or female between 18-25
- Individual recently arrested for a state crime committed in Mobile County
- Defendant whose plea is guilty to Drug Court charges
- Individual whose criminal record does not include a crime specifically excluded by Title 15-18, Alabama Community Punishment and Corrections Act of 1991
- Individual whose pattern of behavior indicates involvement with drug use
- Individual whose behavior pattern does not demonstrate a pattern of violent behavior
- Individual who without intervention would become a repeat or career criminal

With assistance from the Coalition for a Drug Free Mobile County, a drug court program was initiated. The program was started in 1993 with funding from the Mobile County Commission, the city of Mobile and assistance from Bishop State Community College and the University of South Alabama.

The program has operated annually since May 1994 with $620,000 from Bureau of Justice Assistance (BJA) Federal Grant funds and $160,000 from Mobile County.

QUARTERLY MUSE

Success

To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a bit better, whether by a healthy child, a garden patch or redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded.

– **Ralph Waldo Emerson**

BRIEFS . . .

* **Circuit Judge Sandra Ross**, 10th Circuit, is in the final stages of establishing a "gun court" as part of the Jefferson County Family Court to alleviate the growing number of gun-related crimes committed by juveniles. Ross has assembled a committee of law officers, attorneys and youth services officers to hash out the details of gun court. Under Ross' plan, from the day of arrest, any juveniles accused of criminal possession of a firearm will be kept in detention until their case is heard within one week of their arrest. Presently, juvenile offenders are sent to the DYS HIT (High Intensive Treatment) program. If the defendants plead "true," they will be sent away, possibly to a boot camp, and will be required to participate in various programs. After their stay in boot camp, they will participate in an intensive after-care program. If first-time juvenile offenders are charged with possession of a concealed weapon, he/she will be sent away — no probation. Ross said throughout her reading and research everyone agrees justice must be swift and punishment must be significant when dealing with juveniles. The program has received a great deal of area support and is projected to be in full operation by May 1995.

* **Tough on Truancy – District Judge Jim Hill**'s first step in his Early Warning Truancy Prevention Program is an "informal adjustment" to inform children and their parents of the consequences of skipping school. Juveniles are called to appear in Hill's court when a petition is filed concerning serious school attendance problems. The program is a joint effort of the juvenile court, the juvenile probation office, the Department of Human Resources, the district attorney's office, the Pell City School System and the St. Clair County School System. Hill said some cases require the filing of a CHINS petition. Sometimes restitution is ordered to compensate for the $20 a day the school looses per absent student, he said. **District Judge Tommy Dobson** is supporting parenting seminars and programs sponsored by Talladega County Schools. Dobson said anyone who has contact with the court in regard to truancy or school behavior problems is requested to attend these

(See "Briefs" next page)

Briefs *(continued)*

programs as a further condition of their probation. Participation in the programs, which are designed for parents and children, is part of the county's Early Warning Truancy Prevention Program in which all three school systems — Sylacauga, Talladega and Talladega County — are involved.

* **Judge John Davis** of Montgomery will chair the 40-member Administrative Office of Courts' advisory committee for the Family Preservation Court Improvement Project. It is funded by The Alabama Family Preservation Court Improvement Grant. The Department of Health and Human Services' regional office in Atlanta approved the grant March 2 for fiscal year 1995, with options to renew annually through 1998. The project's purpose will be to assist state courts in assessing their role in foster care and adoption cases and to improve the handling of those proceedings.

* **New court employees** and **non-lawyer judges** will now receive instructional training about the importance of serving the public. The training has been included in the orientation program. The program was recently released by the American Judicature Society (AJS), a Chicago-based organization that develops training materials for court officials. The video and study guide are available by contacting the Alabama Supreme Court and State Law Library, Judicial Building, 300 Dexter Ave., Montgomery, AL 36104, (800) 236-4069 or (334) 242-4347.

Reminder . . .

May 1 is Law Day 1995. The theme is "E Pluribus Unum — Out of Many, One." This is an opportunity for the court system and legal profession to work with educators, students, civic leaders and citizens in a positive way.

Together we can make this year's Law Day theme resonate throughout this year and beyond.

For more information, contact Nancy Britnell at AOC.

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