



COURT NEWS

Newsletter of the Alabama Judicial System

October, 1984

Sentencing Discussed . . .

D.C. JUDGE CONDUCTS SENTENCING WORKSHOP

The Honorable Tim Murphy, Superior Court Judge of the District of Columbia, held a day-long sentencing workshop as part of the Fall Judicial Courses at the Alabama Judicial College in Tuscaloosa. A nationally recognized authority in this field, Judge Murphy is on the faculty of the National Judicial College in Reno, Nevada, and teaches a course on sentencing there.

Often at odds with conventional wisdom, Judge Murphy stated that the judge's job is not in doing justice but in seeing that the game is played according to the rules. Acting as a referee, the judge's job is not to reform defendants but to interpret and apply the law.

According to Murphy, judges can't solve the causes of crime and they can't rehabilitate defendants who have gone through the juvenile system and who are now up for trial as adults. Judge Murphy likened the judge's situation to a doctor in the cancer ward of a hospital. "You have to deal with the patients that are brought in, and you know before you start that you're going to lose most of them," said Murphy. "Judges have become the last resort in solving social problems, but judges cannot make people good," added Murphy.

Murphy stressed the need to determine a philosophy or purpose for sentencing. In his view, the sole purpose of sentencing is to protect the public. He cited the generally held view that sentencing a defendant to prison will certainly not have any rehabilitative effect but, more than likely, will have a negative effect on the defendant. Murphy also felt that deterrence was not an adequate philosophy of sentencing because so few crimes are solved and, of those crimes in which arrests are made, so few defendants are actually sentenced to prison.

In states with the indeterminant sentencing systems, Murphy suggested that it is the person who determines when a defend-

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ALA. JUDGE CALLS FOR UNIFORM APPROACH TO SENTENCING

Montgomery Circuit Judge Joseph D. Phelps, speaking at the recent conference of The Alabama Council on Crime and Delinquency, told a group of adult probation officers that, "We should get ready to answer the charge of disparity in sentencing in the future."

But rather than have legislatively mandated determinant sentences or sentencing guidelines which restrict the discretion of judges, Phelps called for a uniform approach to sentencing. "We do not need uniform sentences because neither crimes nor criminals are uniform. What we do need, however, is a uniform approach in determining sentences," said Phelps.

According to Phelps, this uniform approach must start with the determination of why we sentence criminals. "Protecting the public, incapacitation, retribution, and rehabilitation are the main purposes served in sentencing defendants," said Phelps. "In recent years, there has been a movement from rehabilitation towards retribution as a primary goal of sentencing. But we may not want to select just one

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DC Judge Conducts Sentencing Workshop (Continued from Page 1)

ant will be released from prison who does the sentencing and not the person who determines if a defendant will go to prison. With the exception of split sentencing and certain mandatory sentences, Alabama judges cannot generally tell when a defendant will be released from prison.

Judge Murphy also stressed the need for uniformity in sentencing throughout the state. He suggested that lack of uniformity is caused by the different viewpoints judges have on the purpose of sentencing. "To ensure uniformity of sentencing, the legislatures in some states have mandated flat sentencing or developed sentencing guidelines which judges must follow," said Murphy. "In other states, sentencing councils have been established in which judges review and discuss each others pre-sentence reports and offer advice on possible sentences," commented Murphy.

Under a flat rate sentencing scheme, the legislature mandates that for particular crimes specific amounts of time must be served. Sentencing guidelines, on the other hand, provide the judge with some narrow range of discretion and, if the sentence is less or more than this range, the judge must record his reasons for not following the guidelines.

During the afternoon session, Judge Murphy and the Alabama judges explored the thought processes that go into the sentencing decisions and attempted to determine the external factors that influence a judge's decision. "If a mother of three and a construction worker were both charged with vehicular homicide as a result of killing a child while they were driving under the influence of alcohol, would you give the mother of three and the construction worker the same or different sentences?" asked Judge Murphy. The judges were asked about the impact of local news reporters who may be present during sentencing or the impact of the presence of a rape victim during sentencing. If a judge feels that a defendant is innocent but the jury convicts the defendant on all counts, how does a judge respond in setting the sentence?

"Only by understanding these external factors and our personal feelings can we hope to provide quality and uniform sentences," stated Murphy.

Ala. Judge Calls for Uniform Approach to Sentencing (Continued from Page 1)

goal or purpose. Regardless of the sentencing goal or goal selected, all judges should be making their sentencing decisions based on a uniform philosophy of sentencing," stated Phelps.

Judge Phelps also stated that we need to look at who all is involved in the sentencing process. According to Phelps, the following are involved: police officers, who participate in determining who and on what charge people are going to be arrested; district attorneys and defense attorneys, who are involved in plea negotiations; juries, who sometimes recommend penalties; judges, who actually set and pronounce sentence; the Department of

Corrections, which may let defendants out on correctional incentive good time; and the Pardons and Parole Board, which has the authority to pardon or parole defendants.

"In Alabama, it is difficult to determine who is responsible for the length of time someone spends in prison and just who is responsible for letting prisoners out," said Phelps. "We need to look at all of the participants in the sentencing process and see if we can't make the system more accountable and understandable," added Phelps.

Because of the problems associated with prison overcrowding, we are being forced to look at alternatives to sentencing first-time property offenders to prison.

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BUREAU OF JUSTICE STATISTICS RELEASES "TIME SERVED IN PRISON REPORT"

In their June, 1984, report, the Bureau of Justice Statistics surveyed 12 states to discover the actual duration of imprisonment served by defendants for particular crimes. The results of the survey, though somewhat startling, are not altogether unexpected by those who are associated with the criminal justice system.

In **Table 1**, the average time served for all felonies ranges from a high of 32.8 months, or 2.7 years, in Iowa, to 15.4 months, or 1.3 years, in Oklahoma. The range of average time served for serious violent crimes was 50.5 months, or 4.2 years, in Maryland, to 28.3 months, or 2.4 years, in Oklahoma. Looking only at criminal homicides (see **Table 2**), which include murder and non-negligent manslaughter, the average time served ranged from 78.6 months, or 6.6 years, in Ohio, to 39.3 months, or 3.3 years, in Oklahoma.

It is interesting to note that states such as Ohio, Maryland, and Iowa remain consistently high in the average time defendants serve for the nine categories listed in the chart. Delaware, which is second highest in average time served for criminal homicide with 74.3, or 6.2 years, is the lowest in average time served for rape, larceny, and arson. Oklahoma and Oregon, on the other hand, maintain relatively low average time served in all nine categories.

The Bureau of Justice Statistics Report cautions that because "...the average time served is longer in one locality than another, this does not necessarily indicate that the first is stricter or tougher in dealing with criminals. Indeed, the reverse may be true." The reason for this "leniency/strictness paradox" is that in states that give longer sentences, a larger percentage of those who are convicted are imprisoned. As a result, the prison population will include defendants whose crimes were less severe and whose criminal records were less extensive. In these states, defendants convicted of less severe crimes will generally receive early release from the parole board or the Department of Corrections.

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Table 1
Average (Mean) Time Actually Served in Prison by Felony Offenders

State and Release Period	Number Released	Average Time Served, in Months		
		All Felonies	Serious Violent Crimes*	Serious Property Crimes**
Delaware, 1980-82***	1,371	17.8	32.5	10.3
Illinois, 1978-82****	21,202	23.1	34.0	—
Iowa, 1979-83***	4,623	32.8	48.6	26.1
Maryland, 1982***	3,649	29.5	50.5	21.7
Ohio, 1980-81	12,026	24.6	40.5	20.9
Oklahoma, 1982	2,232	15.4	28.3	13.5
Oregon, 1979-82	5,704	17.2	28.4	14.0
Pennsylvania, 1981-82***	6,202	26.7	38.1	21.1
Washington, 7/81-6/82	1,325	26.9	41.3	21.0
Wisconsin, 1/80-5/83	6,679	29.2	39.7	25.2
Wyoming, 7/80-6/83***	759	22.9	39.0	20.1

*Murder, non-negligent manslaughter, rape, robbery, aggravated assault.
 **Burglary, larceny, auto theft, arson.
 ***Includes credited jail time.
 ****Derived from data in 1982 Statistical Presentation, Illinois Department of Corrections, April, 1983.
 --Data not available.

Table 2
Average (Mean) Time Served for Specific Offenses, in Months

State and Release Period	Criminal Homicide*	Rape	Rob- bery	Aggra- vated Assault	Burg- lary	Lar- ceny	Auto Theft	Arson	Drug of- fenses**
Delaware, 1980-82***	74.3	25.5	39.3	18.6	15.7	6.5	12.8	9.4	15.0
Illinois, 1978-82****	52.1	46.0	29.1	18.7	20.7	14.1	—	—	—
Iowa, 1979-83***	72.4	47.1	51.7	33.1	30.5	22.7	15.5	29.9	24.0
Maryland, 1982***	63.1	63.7	61.5	30.0	29.2	14.2	20.9	35.6	15.9
North Carolina, 1977-81*** & *****	51.3	—	40.8	19.7	22.2	—	19.4	—	15.7
Ohio, 1980-81	78.6	50.0	34.9	26.6	27.0	15.4	24.9	22.5	17.3
Oklahoma, 1982	39.3	35.6	29.7	17.4	13.8	11.8	15.1	16.4	11.4
Oregon, 1979-82	41.2	36.0	25.2	23.1	15.3	11.3	11.9	25.5	10.4
Pennsylvania, 1981-82***	57.4	47.7	33.5	25.4	22.6	16.8	14.8	28.2	18.9
Washington, 7/81-6/82	63.2	36.3	38.8	37.0	—	—	—	—	17.8
Wisconsin, 1/80-5/83	41.8	33.5	42.3	30.7	26.5	22.6	20.6	24.7	22.3
Wyoming, 7/80-6/83***	59.5	51.5	29.5	29.4	22.5	15.8	18.2	25.8	15.2

*Includes murder and non-negligent manslaughter.
 **Includes sale and possession.
 ***Includes credited jail time.
 ****See footnote d. table 1.
 *****Derived from data in Clarke, Stevens H. et al, North Carolina's Determinate Sentencing Legislation: An Evaluation of the First Years' Experience, Institute of Government, University of North Carolina at Chapel Hill, October 1983.
 --Data not available.

Bureau of Justice Statistics Releases "Time Served in Prison Report" (Continued from Page 3)

In states with less severe laws and more lenient sentences, criminals whose offenses were less serious and who have less extensive prior records may not be sentenced to prison at all. Defendants who have committed serious crimes and who have extensive prior records will, however, tend to be treated as harshly as in those states which imprison a larger percentage of defendants. Such defendants will be given long sentences and will not generally be given an early release.

The net result is that the state which imprisons a larger proportion of convicted defendants, because of its large number of short-timers, has a smaller average duration of imprisonment than the state which imprisons a smaller percentage of its convicted defendants.

The report also noted that "...those who are imprisoned for the most serious crimes (and, therefore, receive the longest sentences) serve the smallest percentage of their sentences." This point is illustrated by the ratio between the average percent of sentence served for auto theft and the average percent for criminal homicide in different states.

For example, an auto thief who serves 20 months of a 24-month sentence, actually serves 83.3 percent of his sentence. A murderer sentenced to 30 years, but who is released after 15 years, serves 50 percent of his sentence. The ratio is determined by dividing the percent served by the murderer by the percent served by the auto thief (83.3 divided by 50. = 1.67).

In Wisconsin, the auto thief serves 2.38 times as large a percentage of his sentence as does the homicide offender. The lowest ratio was in Wyoming where the auto thief serves 1.29 times as large a percent of his sentence as does the homicide offender.

These ratios do not mean that the auto thief serves more time in prison than the murderer, but it does mean that the auto thief serves a larger proportion of his sentence than do murderers in the eight states in the chart.

State and Release Period	Ratio of % Served for Auto Theft to % Served for Criminal Homicide
Delaware, 1980-82	1.47
Iowa, 1979-83	1.79
Maryland, 1982	1.48
Ohio, 1980-81	1.94
Oregon, 1979-82	1.62
Pennsylvania, 1981-82	1.47
Wisconsin, 1/80-5/83	2.38
Wyoming, 7/80-6/83	1.29

An explanation given by the report for this phenomenon is that "...a given amount of good behavior will take substantially more time off a longer sentence than a short one." In cases with very long sentences, release on parole is likely to occur after a relatively small percentage of the sentence has been served. Also, in some states, "A minimum amount of time must be served before release can be considered..."

Ala. Judge (Continued from Page 2)

Fining, supervised probation, and community service are but a few of the alternatives which are at our disposal," said Phelps.

"Rather than spending millions and millions more on prisons, we need to shift some of that spending towards funding additional probation officers and putting more emphasis on stringently supervised probation," stated Phelps.

Phelps called for a future joint meeting of judges and probation officers to work

on a uniform approach to sentencing. "We must look to the probation officers who are the professionals in dealing with criminal defendants. The pre-sentence report of probation officers should be the beginning of a uniform approach to sentencing by all circuit judges. If we all have the same philosophy of sentencing and we are all looking at the same types of pre-sentence information, then we will be going a long way towards preventing any sentencing disparity problem in Alabama," concluded Phelps.

LRE UPDATE**TEACHER WORKSHOP TO BE HELD**

"Once again, the Administrative Office of Courts is delighted to be working with the University of Alabama in Tuscaloosa to sponsor the 1985 Alabama Teacher Workshop," said Allen L. Tapley, Administrative Director of Courts. "The workshop is scheduled for July 28 through August 3, 1985, at the University. Sixty-three social studies teachers and two school administrators, representing 52 public school systems throughout the state, attended the workshops which were previously held," stated Tapley. (Continued on Page 6)

AOC, EDUCATION, AND THE BAR
Get together on Law and Court-Related Education

On October 4, 1984, Allen L. Tapley, Administrative Director of Courts; Dr. Wayne Teague, State Superintendent of Education; Walter Byars, President, Alabama Bar Association; Dr. Eldon Johnson, Director, Division of Student Instructional Services; Charles Coody, Director of Legal Services, State Department of Education; Tom Sorrells, Houston County District Attorney; and Mrs. Anne Laura R. Parker, a concerned citizen from Ozark, met to discuss law and court-related education in the public schools. The outcome of the meeting was a commitment from Dr. Teague to work toward the goal of formally incorporating law and court-related education in the state school curriculum.

Mrs. Parker, who was instrumental in setting up the meeting, is a recent graduate of Jones Law School and served for eight years on the Alabama Commission on Higher Education. In seeking to find out what Alabama was doing in the area of law and court-related education, Mrs. Parker talked with Allen Tapley and Bill Campbell of the Administrative Office of Courts and Walter Byars of the State Bar. These conversations led to the October 4th meeting of the bench, bar, and educators.

"On behalf of the court system, I wish to express my appreciation to Mrs. Parker for her concern for our courts and the youth of Alabama," said Tapley. "I commend her for becoming actively

involved in working toward making LRE a part of the formal curriculum in our public school system."

"We have been involved in law and court-related education for a number of years through development of materials and working with teachers and teacher workshops," commented Tapley. "But all this interest and work does not insure that it is being taught in our schools."

"At present, LRE is only required at the 8th grade level in our public schools in Alabama. If it is formally adopted in the curriculum at every grade level, the respect for rules, law, and the courts which has been undermined in recent years can be reinforced in the youth of our state. Such respect is essential to the future well-being of our schools, citizenry, and court system," said Tapley.

Tapley Addresses Board of Bar Commissioners

At the request of Walter Byars, President of the Alabama Bar Association, Allen Tapley was invited to address the Board of Bar Commissioners on October 5, 1984, regarding the public education program of the Administrative Office of Courts. Byars has established law and court-related education as one of the primary goals of the Alabama State Bar Association. During the presentation, Tapley described the Alabama Teacher Workshops on the Courts and invited the State Bar to participate fully in this and other law-related programs.

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Teacher Workshop to Be Held
(Continued from Page 5)

The curriculum for the 1985 workshop includes the following areas:

- Alabama Courts and Their Jurisdiction
- Criminal and Civil Case Procedures
- Juries
- Juvenile Case Procedures
- Trial Procedure
- Judicial Administration
- Criminal Prosecution
- Law Enforcement and Corrections

Local court officials from the counties in which the teachers are selected will serve as the primary faculty for the workshop. Other faculty members will include state level officials from the appellate courts, Department of Corrections, Pardons and Parole Commission, and the Department of Youth Services.

Social studies teachers attending the 40-hour course will receive six hours of graduate credit. To earn this credit, teachers are also required to perform in-service field work in their local school systems. The in-service work requires that each teacher develop a program to teach other social studies teachers about what they learned in the workshop. In this way, the information is disseminated to hundreds of teachers throughout the state and, from them, to thousands of students.

"Because of the pyramid effect of the workshop, it is the most effective means that we in the court system have of educating the youth of our state about law and the courts," commented Tapley.

Tapley Addresses Board of Bar Commissioners
(Continued from Page 5)

"We in the State Bar want to work with the Administrative Office of Courts in all areas, and we want to become a closer partner in the teacher workshop program. We pledge our full support to the programs initiated by the Administrative Office of Courts which have placed Alabama in the forefront of our nation in law-related education," said Byars. "We commend Chief Justice Torbert and the court system for their leadership and fine work in this most important area," added Byars.

Restitution Guidelines Revised

The restitution handbook has recently been revised to include new legislation concerning restitution. The handbook represents a model restitution program which may be modified and adapted by local courts to suit their situations and needs. Anyone wanting copies of the revised edition should contact Lu Ann Cobb at the Administrative Office of Courts.

Grice Named National Association VP

Talladega County Circuit Clerk Samuel L. Grice was elected vice-president of the National Association for Court Administration (NACA) at its annual meeting in Boston recently. Grice has served as a member of the group's board of directors since 1982.

THE MENU

ALABAMA JUDICIAL INFORMATION SYSTEM NEWSLETTER

OCTOBER 1984
NUMBER 9

THIS IS "THE MENU" A NEWSLETTER FOR THE USERS OF THE ALABAMA
JUDICIAL INFORMATION SYSTEM (AJIS).

INDEX

-THE FOLLOWING LIST IS A COUNT OF ALL INDEX ENTRIES FOR EACH COURT
BY JURISDICTION AS OF OCTOBER, 1984.

MOBILE:

CC = 26,390	DC = 4,165	TR = 3,809
CV = 64,240	DV = 61,794	
DR = 54,247	SM = 45,366	TOTAL = 260,551

MONTGOMERY:

CC = 7,477	DC = 4,124	TR = 6,752
CV = 36,676	DV = 12,422	JU = 1,012
DR = 27,944	SM = 11,878	TOTAL = 108,305

ETOWAH:

CC = 8,822	DC = 13,223	TR = 2,408
CV = 19,490	DV = 20,419	
DR = 14,642	SM = 19,458	TOTAL = 98,462

HOUSTON:

CC = 8,689	DC = 22,845	TR = 4,812
CV = 11,228	DV = 17,587	JU = 502
DR = 42,030	SM = 29,970	TOTAL = 137,663

MADISON:

CC = 10,451	DC = 11,087	TR = 2,688
CV = 31,818	DV = 14,430	JU = 7,202
DR = 39,512	SM = 20,450	TOTAL = 139,847

-"MOST ENTRIES AWARD"

TOTAL	MOBILE	260,551
CC	MOBILE	26,390
CV	MOBILE	64,240
DR	MOBILE	54,247
DC	HOUSTON	22,845
DV	MOBILE	61,794
SM	MOBILE	45,366
TR	MONTGOMERY	6,752
JU	MADISON	7,202

- ON OCTOBER 1, 1984, THE SUPREME COURT CLERK'S OFFICE BEGAN USING AN AUTOMATED INDEX SIMILAR TO THE ONES USED IN THE TRIAL COURTS. THE "SC" INDEX CONTAINS DIFFERENT INFORMATION BUT WORKS IN THE SAME BASIC MANNER. HOWEVER, THE "SC" INDEX DOES HAVE SEVERAL INNOVATIONS NOT INCLUDED IN THE TRIAL COURT INDEXES. JIMMY IS PRESENTLY WORKING TO PROVIDE THOSE IMPROVEMENTS TO ALL INDEX USERS.

COMPUTERIZED INDEX ENTRIES MOUNT

As of October, 1984, the total number of computerized index entries in the trial courts is 821,057. This number includes 744,828 index entries from Mobile, Montgomery, Etowah, Houston, and Madison counties. These counties have computer terminals in the Clerk's office and are linked to the central computer at the Administrative Office of Courts through a communications line. As part of the judicial network, Clerk's employees in these counties are able to enter case index information locally in all jurisdictions of court except juvenile.

In non-computerized court sites, index cards or books have been brought to the AOC for data entry. Thus far, a total of 76,224 index entries have been entered for Bibb, Coffee, Henry, and Crenshaw counties. Each of these counties receives in return a consolidated and perfectly alphabetized printed index for each jurisdiction indexed.

On October 1, 1984, the Clerk's office at the Supreme Court began using an automated index system.

Arthur C. Epperson, District Judge of Baldwin County, was the recent winner of one of the Annual Governor's Awards. Epperson was named the Wildlife Conservationist of the Year.



SPECIALITY COURSES ON TAP FOR EMPLOYEES IN CLERKS AND REGISTERS OFFICES

Areas of Juvenile Court will be the focus of the November 8-9 Fall Specialty Conference in Montgomery for employees in Clerks and Registers offices. Recent legislative enactment of the Wage Withholding for Child Support and the Uniform Parentage Act have caused sweeping changes in record keeping procedures. All of these changes and their ramifications will be the subject of discussion on Thursday morning.

Two sessions will be held on Thursday afternoon. The session for employees will be devoted to dealing with the public in the office and by telephone. Simultaneously, Clerks and Registers will discuss areas of personnel administration dealing with employee evaluation.

All other aspects of Juvenile Court will be discussed on Friday morning.

Judicial College Completes Planning Cycle

Working with education committees from the Circuit Judges, District Judges, Clerks and Registers, Court Reporters and DUI Instructors Associations, the Alabama Judicial College has made tentative plans for all conferences in 1984-85. Only the meeting with Judicial Secretaries remains.

In preparation for the planning meeting, each committee reviews evaluations of past conferences, solicits suggestions from members of their groups, and lists potential

topics from national organizations. Subjects from all sources are examined and decisions made regarding urgency, relevancy, and importance. Based on these decisions, subjects are placed on the agenda of various conferences.

Committee members take the responsibility for developing each session and recruiting faculty for it. By planning all conferences for the year, there is continuity and all areas of substantive and procedural law may be considered for inclusion.

Legal Holidays for 1985 Announced

Listed below for your information are the dates of legal holidays for 1985:

New Year's Day	January 1
Robert E. Lee's Birthday	*January 21
George Washington's Birthday	*February 18
Mardi Gras Day	February 19
Confederate Memorial Day	*April 22
Jefferson Davis' Birthday	*June 3
Independence Day	July 4
Labor Day	September 2
Columbus Day	*October 14
Veterans' Day	November 11
Thanksgiving Day	November 28
Christmas Day	December 25

*Monday holidays--Act No. 1103, 1969

Note: Thomas Jefferson's Birthday is not listed since it falls on Saturday.

TEN NEW STATE JUDGES APPOINTED

Ten new state judges have been appointed by Gov. Wallace to fill new positions created by Act 84-610, adopted in the 1984 regular session of the legislature.

The ten judgeships, nine circuit and one district, are the largest number of judicial positions created by any single act of the legislature.

Chief Justice Torbert issued a warm welcome to the new jurists who bring the number of circuit judges in the state to 123 and the number of district judge positions to 91.

"Many people worked hard to obtain these new judicial positions, and I am pleased that the governor has appointed ten fine individuals to fill them," Torbert said.

The new judges are as follows:

10th Judicial Circuit--Circuit Judges **Charles Najjar, J. Richmond Pearson, Wayne Thorn, and Arthur Hanes, Jr.**

11th Judicial Circuit--Circuit Judge **Mike Suttle**

12th Judicial Circuit--Circuit Judge **Sam Adams**

13th Judicial Circuit--Circuit Judge **Robert Kendall**

15th Judicial Circuit--Circuit Judge **Richard Dorrrough**

28th Judicial Circuit--Circuit Judge **Tom Norton**

Russell County District Court--District Judge **Al Johnson**

Thorn vacated a district judgeship in Jefferson County and Norton vacated the district attorney's office in Baldwin County to accept appointment. Attorney David Whetstone has been appointed to finish Norton's unexpired term. A replacement for Thorn had not been named at press time.

KARRH RE-ELECTED TO BAR COMMITTEE

Circuit Judge John Karrh, 6th Judicial Circuit, was re-elected to serve on the executive committee of the American Bar Association's National Conference of Special Court Judges at the Association's annual meeting held in Chicago recently. Karrh has represented Alabama, Mississippi, Tennessee, Kentucky, and Georgia on the conference executive committee since 1980.

CORRECTION

In the article entitled "Women in the Judiciary" in our August issue of Court News, we stated that Virginia H. Mayfield served as a domestic relations judge in Tuscaloosa County in 1923. We were in error. Judge Mayfield presided over the Domestic Relations Court in Jefferson County from 1923-1927. Please excuse our mistake.

TAX SETOFFS PROVIDE \$2.3 MILLION FOR CHILD SUPPORT

Under both federal and state law, the Department of Pensions and Security is authorized to capture child support arrearages owing to it under the Title IV-D Program through the income tax refund setoff program. Act No. 81-696, 1981, provides that state income tax refunds, which ordinarily would be paid directly to the taxpayer, may be setoff for the purposes of reimbursing the Department of Pensions and Security for AFDC payments which are made to that taxpayer's dependent children.

Through their county offices, Pensions and Security receives thousands of setoff requests each year. During 1983, there were 13,853 setoff requests which represented total arrearages of \$24 million. Of these requests, however, less than 50 percent or 7,047 requests could be matched to absent parents who were due to receive tax refunds. According to Pensions and Security officials, many of the absent parents either do not have jobs or do not earn enough money to pay taxes.

Tax Year	Setoff Requests	Amount of Arrearages Represented by Requests	Number of Setoff Requests which were Subject to Tax Refund	Total Amount Collected from Setoff	Amount Refunded	Total Amount Retained
1982				1,656,782.00		
1983	13,853	24,000,000.00	7,047	2,577,327.38	230,245.75	2,347,081.63
1984	17,358	33,003,459.00				

The total amount collected from tax setoffs in 1983 was \$2,577,327.38. Of this amount, \$230,245.75 was refunded because the absent parents, during the intervening period between the request and the election of the setoff, paid up all or part of their arrearage. As a result, the total amount retained from the tax setoffs in 1983 was \$2,347,081.63.

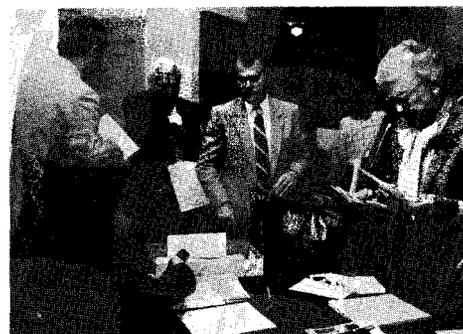
A comparison of the 1983 and 1984 statistics reveals that as the program becomes more well known, the number of setoff requests have increased. In 1984, there was an increase of 25 percent, or 3,505 setoff requests. The amount of arrearages represented by these requests increased by over \$9 million, or by 38 percent.

The remainder of the statistics for 1984 will not be available until the Department of Revenue reviews the tax returns in the spring of 1985.

Judges Attend Fall Judicial Courses

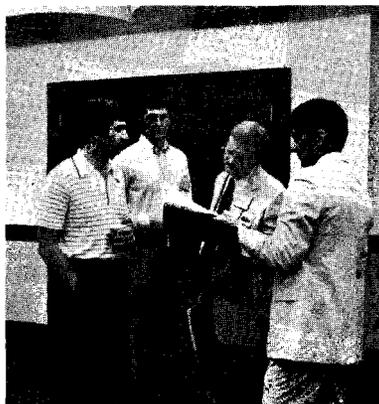
Circuit and District Judges from throughout the state gathered at the Alabama Judicial College in Tuscaloosa to participate in the 1984 Fall Judicial Courses which were held October 9-11.

The courses offered substantive law subjects such as Rules of Discovery, Secured Transactions, Medical Malpractice, and Felonies: Robbery, Theft, and Receiving Stolen Property. A workshop on sentencing was followed by a discussion of Post-Conviction Remedies and Procedures for Probation Revocation. A panel of judges discussed Techniques in Charging Juries, and Several Areas of Juvenile Court were addressed during the conference.



Also included were an extensive course comparing the trends in Federal evidence with Alabama cases, an Update on Law of Damages, a discussion of Appeals from District and Juvenile Courts, a presentation on Warranties, and Elections of Remedies under UCC.

For the first time, the Judicial College offered a course in "Judicial Writing for Circuit Judges." The 15 participants spent two days writing and rewriting, under the direction of Dr. James Raymond, University of Alabama Professor of English and author of Clear Understandings, A Guide to Legal Writing.



TROOPERS TO ENFORCE 55 MPR SPEED LIMIT

The Alabama Department of Public Safety has received a \$497,568 federal grant for use in enforcement of the 55 mile-per-hour speed limit, according to Col. Byron Prescott, department director.

The National Maximum Speed Law Selective Enforcement Grant was awarded by the Governor's Office of Highway and Traffic Safety. Prescott said the money will be used to pay overtime salaries and subsistence funds to off-duty troopers patrolling Alabama's roadways. The grant period extends from October 24, 1984, through July 7, 1985.

Prescott said the number of traffic fatalities increases as the number of drivers exceeding the speed limit rises. "For this reason, it is essential that we reduce the number of speeders on Alabama's roads," he said. While troopers' efforts will be directed toward speed limit enforcement, it is anticipated that a number of motorists driving under the influence will also be apprehended.

New Child Support Enforcement Handbook Distributed

A new Child Support Enforcement Handbook, containing summaries of the 1984 Uniform Parentage and the Income Withholding Acts, together with the new forms designed for use with these Acts, has been distributed to court officials. The Handbook also contains the forms originally included in the 1981 Child Support Manual.

The new forms were developed by the Legal Division of the Administrative Office of Courts, with input from judges, clerks and registers, and representatives of the District Attorney's Association, and the Department of Pensions and Security.

All forms in this handbook are available for purchase from printers as are other UJS standardized court forms. If you need camera-ready copies of these forms for a local printer, or if you should have any questions concerning this handbook, please contact Tom Barber or Rebecca Bentley at the Administrative Office of Courts, 1-800-392-8077.

Court Courtship

The Anchorage grand jurors had completed their three months of service and were assembled in court to be excused and thanked by Superior Court Judge Mark Rowland. Things were proceeding normally until two of the jurors, hand in hand, stood up in the jury box and asked that Judge Rowland marry them. The couple, Kathleen Naomoff and Rick Hanson, had met just three months before at the courthouse when they began their stint as jurors. Judge Rowland is scheduled to be out of town on their wedding day, but agreed to appoint fellow grand juror Clarence Rhoades to the position of marriage commissioner for one day to keep it "all in the family." Summonses instead of invitations will be used for the August wedding.

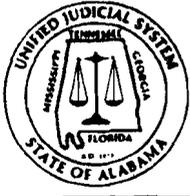
--From The Alaska Court System Newsletter

1984

ALABAMA JUDICIAL COLLEGE
CONTINUING EDUCATION PROGRAMS

1985

GROUP MONTH	CIRCUIT JUDGES	DISTRICT COURT JUDGES	JUVENILE COURT JUDGES	MUNICIPAL COURT JUDGES	CLERKS AND REGISTERS	CLERK/REGISTER EMPLOYEES	COURT REPORTERS	JUDICIAL SECRETARIES	OTHER GROUPS
1984 OCTOBER	FALL JUDICIAL COURSES OCT 9-11 TUSCALOOSA								
NOVEMBER					FALL SPECIALTY COURSES NOV 8-9 MONTGOMERY				
DECEMBER									
1985 JANUARY	PRESIDING CIRCUIT JUDGES CONF JAN 23 MID-WINTER CONFERENCE JAN 24-25 MONTGOMERY						MID-WINTER CONF JAN 24-25 MONTGOMERY		JUD STUDY COMM JAN 10-11 TUSCALOOSA
FEBRUARY	NEW JUDGES ORIENTATION FEB 11-15 MONTGOMERY			ORIENTATION FEB 2-3 TUSCALOOSA	MID-WINTER CONF FEB 20-21 MONTGOMERY				
MARCH						REGIONAL SPRING SPECIALTY COURSES MAR 20-21, DECATUR			MUNI COURT CLERKS & MAGISTRATES SEM MAR 28-29, HVILLE
APRIL	SPRING JUDICIAL COURSES APR 23-25 TUSCALOOSA					APR 3-4, MONTG'Y APR 10-11, E'GREEN APR 17-18, B'HAM			APR 11-12, MOBILE APR 18-19, B'HAM
MAY				LEAGUE CONFERENCE MAY 18 MONTGOMERY					MAY 9-10, MTGY
JUNE					ANNUAL CONFERENCE JUN 13-14 GUNTERSVILLE				DUI INSTR CERT JUN 24-27 TUSCALOOSA
JULY			NGJECY CONFERENCE JUL 14-18 PUNNET CLEAR					ANNUAL CONFERENCE JUL 11-12 MONTGOMERY	
AUGUST	ANNUAL CONFERENCE AUG 12-13 GULF SHORES								DUI INSERVICE TRNG AUG 8-9 MONTGOMERY
SEPTEMBER									APPELLATE JUDGES



COURT NEWS

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