



Robert L. McCurley, Jr.



## Lawyers Rendering Service Through the Alabama Law Institute

The Alabama Law Institute was created by the legislature in 1967 as a legislative agency that operates with volunteers. Our purpose is to simplify and clarify the laws of Alabama, revise out-of-date laws and fill in gaps in the law where there exists legal confusion.

The membership is a diverse group of lawyers and judges, many of whom are appointed by position as presiding judges of the appellate courts, bar president, attorney general, lawyer members of the legislative council, and 150 active, practicing lawyers. The legal services provided each year far exceed the state's appropriation to the Institute.

Over the almost 40 years of existence, the law institute has had five presidents: Representative Hugh Merrill, 1967 to 1978; Senator Finis St. John, III, 1978 to 1984; Oakley Melton, 1984 to 1991; Speaker Pro Tem James M. Campbell, 1991 to 2001; and Speaker Pro Tem Demetrius Newton, 2001 to present.

The institute has been housed from the beginning in the Law Center building at the University of Alabama campus to have available the research facilities of the state's largest research law library, which is essential for major law revision. Many of the faculty members at the University of Alabama and Cumberland law schools serve as reporters for the various projects under revision.

In 2006, the legislature passed three major pieces of legislation prepared by the institute which will become effective

January 1, 2007. They are the Uniform Trust Code (See September 2006 *Alabama Lawyer*); Uniform Residential Landlord Tenant Act (See September 2006 *Alabama Lawyer*); and a complete revision of Alabama's Election Code. In addition, the legislature added to the specified purposes of the institute that it would conduct training for public officials, a function that it has been performing since 1975.

### Orientations

The institute will conduct a legislative orientation and conference for all legislators in December of this year. This will include the basics for all new legislators, a status report and projection for Alabama's economy for the next four years and the opportunities facing the legislature in areas of energy and young children. In addition, the conference will highlight the needs of the state. It is expected that the governor, Lt. governor, speaker of the house, president pro tem of the senate, and chief justice of the supreme court will address the legislators during this three-day conference. There will be a concurrent program for legislative spouses.

In January, the institute will conduct a probate judges' orientation, a training program that began in 1976 and has occurred every six years, soon after their elections. This conference will focus on the general responsibilities of the probate office, estates, commitments, eminent

domain, guardians and conservators, adoptions, and the various other laws that affect their office.

In February, the institute will conduct a sheriffs' orientation, which they began in 1979 and have conducted every four years after the sheriffs' elections. This program includes information about the service of process, records, administrative duties, repossessions and attachments. A number of topics relating to their jail responsibilities are discussed, including work release and detention and care of juveniles.

## Model City Ordinances

In addition to working with public officials, the institute developed, with the help of the League of Municipalities, a model set of municipal ordinances for use by the more-than-400 small municipalities in the state that do not have full-time attorneys. Law students who have been trained in this area are made available to cities to compare the city ordinances with the Model Code. A small fee is charged and is paid directly to the student.

## Capitol Intern Program

The Institute, since 1979, has conducted an intern program by allowing gifted college students to observe and participate in the process of the legislative and executive branches of state government. These interns work during the legislative session with legislative leadership. In 2006, an additional intern program was established in the house of representatives to provide house members with an intern to assist them in providing constituent services. Legislators in Alabama are part-time. They serve with only a small Montgomery office and without a staff. This enables legislators to become more independent and give more effective service to their constituents.

## Handbooks

In addition to these programs, the institute also has drafted handbooks and manuals for government officials. A new edition will be available in 2007 for the following: *Alabama Government Manual*, 12th Edition; *The Legislative Process, a Handbook for Alabama Legislators*, 9th Edition; *Alabama Legislation Cases and Statutes*, 6th Edition; *Probate Judges' Handbook*, 8th Edition; and *Handbook for Alabama Sheriffs*, 4th Edition. In 2005, the *Handbook for Alabama Tax Administrators: Tax Assessors, Tax Collectors, License Commissioners, Revenue Commissioners*, 6th Edition was completed. Election officials currently use the institute's *Alabama Election Handbook*, 12th edition as a guide for elections.

## Institute Staff

The institute could not function without the generous contributions by practicing lawyers who assist in the drafting of now almost 100 pieces of major legislation in the past 30 years.

Institute staff in Tuscaloosa is composed of **Bob McCurley**, director since 1975; **Penny Davis**, associate director since 1979; **Linda Wilson**, office manager since 1973; **Nancy Foster**, secretary since 1997; and **Alison Daugherty**, secretary since 2005. During a part of 2005 and 2006, the institute has also had the services of **LaVeeda Morgan Battle** who has worked in the office as an institute resident fellow. The institute's newest resident fellow is **Bill Lindsey**, who began work in October 2006. Bill had worked several years as assistant district attorney in Tuscaloosa.

## Institute Fellows

Over the years, the Institute has recognized lawyers for their exceptional work with the institute during an extended period of time. Many of them are working, or have worked, on major projects without any compensation from the institute. Institute fellows include **George Maynard**, **Dean Nat Hansford**, **Dean Tom Jones**, **Andrew Noble, III**, **Mary Lee Sapp**, **Lewey Stephens**, **Dr. Richard Thigpen**, **Professor Howard Walthall**, and **Professor Jim Bryce**.

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## Institute Resident Fellows

The institute announces the resumption of its resident fellows program. Previous fellows have been on loan from their practice to assist the institute for up to one year, conducting studies, assisting in government training and working with the legislature. These fellows will receive a salary and benefits during their term.

## Organizational Session of the Legislature

The newly elected legislature will convene January 9, 2007 in an organizational session. At that time, leadership will be selected in each house and committee appointments made. The governor and other constitutional officers will be inaugurated January 15, 2007.

## Regular Session of the Legislature

The regular session of the legislature will convene March 6, 2007 and may continue 105 calendar days with adjournment no later than June 18, 2007. Institute projects that will be completed by that date and are expected to be introduced include an Estate Tax Apportionment Act, a Residential Mortgage Satisfaction Act and an Environmental Covenants Act. Other projects nearing completion for introduction in the legislature are the Business Entity Code and the Uniform Parentage Act.

The next *Alabama Lawyer* article will feature the new lawyers who have been elected to the legislature.

For more information, contact Bob McCurley at (205) 348-7411 or visit [www.ali.state.al.us](http://www.ali.state.al.us). ■

### Robert L. McCurley, Jr.

Robert L. McCurley, Jr. is the director of the Alabama Law Institute at the University of Alabama. He received his undergraduate and law degrees from the University.

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