Alabama Law Institute
REPORT TO THE ALABAMA LEGISLATURE AND INSTITUTE MEMBERSHIP 2014-2015

[Click here to go to clickable Table of Contents]

HONORABLE CAM WARD, PRESIDENT
March 3, 2015

TO: The Alabama Legislature and Alabama Law Institute Membership

It is my pleasure to submit the Alabama Law Institute’s Annual Report to the Alabama Legislature and ALI Membership.

The Alabama Law Institute is the official law revision and reform agency for the State of Alabama. Its purpose is to aid the Legislature in proposing and drafting clearer, simpler, and more up-to-date laws.

This year the Legislature is asked to consider a number of bills including: Grandparent Visitation Act; Deployed Parents Custody and Visitation Act; Division of Retirement Benefits Upon Divorce Act; Right of Publicity Act; Amendments to Alabama Probate Code; Amendments to Alabama LLC Act; Certificate of Title for Vessels Act; Alabama Uniform Asset-Preservation Orders Act and the Uniform Interstate Family Support Act. A copy of these drafts and pending bills in the Legislature can also be obtained from the Law Institute office in Suite 207 of the State House.

We wish to express our sincere gratitude to the more than 200 lawyers representing nearly every county in Alabama who have served on Law Institute committees this year and have donated more than 4,845 hours of their time to these important projects.

It is the hope of the staff of the Law Institute to always be of assistance to members of the Legislature. If the Institute can help you, please call me or Othni Lathram who serves as Director. The continued cooperation of all members of the Institute and the Legislature will ensure that the Law Institute will continue to provide an important service to the Legislature and the people of the State of Alabama.

Respectfully,

Cam Ward
President
# TABLE OF CONTENTS

*Table of Contents is clickable*

| OFFICERS AND MEMBERS OF THE INSTITUTE COUNCIL | ..........................................................1 |
| INSTITUTE MEMBERSHIP | ..................................................5 |
| INSTITUTE STAFF AND ASSISTANTS | ..................................10 |
| REPORT OF THE DIRECTOR | ..............................................11 |
| I. INTRODUCTION | ..................................................13 |
| II. PROCEDURE FOR NEW PROJECTS | ....................................17 |
| III. PROJECTS TO BE PRESENTED TO THE LEGISLATURE IN 2015 | ...........................................19 |
| 1. Uniform Certificate of Title Act for Vessels | ..............................................19 |
| 2. Restrictive Covenants in Contracts | ................................................20 |
| 3. Right of Publicity | ..................................................21 |
| 4. Uniform Asset-Preservation Orders Act | ................................................21 |
| 5. Uniform Interstate Family Support Act | ................................................22 |
| 6. Deployed Parents Custody and Visitation Act | ...........................................23 |
| 7. Division of Retirement Benefits Upon Divorce | ...........................................24 |
| 8. Grandparent Visitation | ..................................................24 |
| IV. REVISIONS UNDER STUDY | ..................................................27 |
| 1. Family Law Standing Committee | ..............................................27 |
| 2. Standing Trust Committee | ..................................................27 |
| 3. Real Estate Study Committee | ..................................................28 |
| 4. Nonprofit Corporation Act | ..................................................28 |
| 5. Alabama Criminal Code Review | ..............................................29 |
| 6. Business Entities Standing Committee | ..............................................30 |
| 7. Condominium Act Amendments | ..................................................30 |
V. ENACTED LEGISLATION AND COMPLETED PROJECTS .......................................................... 33

2010 – 2014 Quadrennium

1. Article 9 of the Uniform Commercial Code (2010 Amendments) ........................................ 33
3. Alabama Uniform Partition of Heirs Property Act ................................................................. 35
4. Amendments to Title 10A: Merger & Conversion Provisions ............................................... 36
5. Constitutional Revision Commission ....................................................................................... 37
6. 10A Name Reservation ............................................................................................................ 38
7. Study Committee of Campaign Finance Reform ..................................................................... 38
8. Unitrust .................................................................................................................................. 38
10. Alabama Uniform Collaborative Law .................................................................................... 40
11. Uniform Principal and Income Act ....................................................................................... 42
12. Uniform Foreign-Country Money Judgments Recognition Act ............................................... 44
13. Uniform Interstate Depositions and Discovery Act ............................................................... 45
14. Share Exchange Act ................................................................................................................ 46
15. Uniform Durable Power of Attorney Act ............................................................................... 46
16. Alabama Rule Against Perpetuities ...................................................................................... 48
17. Alabama Unsworn Foreign Declarations Act ........................................................................ 49
18. Alabama Revised Notary Act .................................................................................................. 50

2006-2010 Quadrennium

19. Uniform Adult Guardianship Jurisdiction Act ....................................................................... 51
20. Uniform Child Abduction Prevention Act .............................................................................. 52
21. Alabama Trademark Act Amendments ................................................................................... 53
22. Redemption of Ad Valorem Tax Sales .................................................................................... 53
23. Revised Uniform Limited Partnership Act ............................................................................... 54
24. Business and Nonprofit Entities Code .................................................................................... 55
25. Electronic Recording of Real Estate Records ........................................................................ 60
26. Uniform Prudent Management of Institutional Funds Act ................................................... 61
27. Alabama Uniform Parentage Act ............................................................................................ 62
28. Revised Uniform Anatomical Gift Act .................................................................................... 64
29. Estate Tax Apportionment ........................................................................................................ 65
<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>30. Uniform Environmental Covenants Act ..................................66</td>
</tr>
</tbody>
</table>

**2002-2006 Quadrennium**
| 31. Uniform Trust Code .....................................................69 |
| 32. Uniform Residential Landlord/Tenant Act ................................73 |
| 33. Election Code .....................................................................76 |
| 34. UCC Article 1 - General Provisions ...................................77 |
| 35. UCC Article 7 - Documents of Title .....................................77 |
| 36. Alabama Uniform Interstate Enforcement of Domestic Violence Orders Act ..................................................80 |
| 37. Uniform Anatomical Gift Act .............................................81 |

**1998-2002 Quadrennium**
| 38. Uniform Management of Institutional Funds Act ........82 |
| 39. Interstate Compact for Adult Offender Supervision .............................................83 |
| 40. Uniform Electronic Transactions Act ................................84 |
| 41. Alabama Uniform Athlete Agents Act ................................87 |
| 42. UCC Article 9, Secured Transactions ................................88 |
| 43. Conversions and Mergers of Business Entities .................92 |
| 44. Uniform Principal and Income Act ................................93 |
| 45. Uniform Determination of Death Act .................................95 |
| 46. Uniform Child Custody Jurisdiction and Enforcement Act ..................................................96 |

**1994-1998 Quadrennium**
<p>| 47. Divorce, Legal Separation Act .........................................98 |
| 48. Uniform Multiple Persons Accounts Act ...........................99 |
| 49. Alabama Uniform Interstate Family Support Act 100 |
| 50. UCC Article 5 - Letters of Credit ................................102 |
| 51. Limited Liability Company Act Amendments ..................102 |
| 52. Revised Limited Partnership Act, 1998 ............................103 |
| 53. Transfer on Death of Securities Act ..................................103 |
| 54. UCC Article 8 - “Investment Securities” ..........................104 |
| 55. Partnership Act ...............................................................104 |
| 56. Limited Liability Partnership Act .....................................105 |
| 57. UCC Article 6, Bulk Transfers - Repealed ........................105 |
| 58. Joint Custody of Children .................................................106 |
| 59. UCC Article 3, Negotiable Instruments ............................107 |</p>
<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>60. UCC Article 4, Bank Deposits &amp; Collections ..........109</td>
</tr>
<tr>
<td>61. Unincorporated Nonprofit Association Act .............110</td>
</tr>
<tr>
<td>62. Divorce, Retirement Benefits ..................................112</td>
</tr>
<tr>
<td>63. Divorce, Cooling-Off Period ..................................112</td>
</tr>
<tr>
<td>64. Rules of Evidence ..................................................112</td>
</tr>
</tbody>
</table>

**1990-1994 Quadrennium**
<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>65. Rules of Civil Procedure ........................................114</td>
</tr>
<tr>
<td>66. Revised Business Corporations .................................114</td>
</tr>
<tr>
<td>67. Limited Liability Companies ....................................116</td>
</tr>
<tr>
<td>69. Probate Procedure Act ............................................117</td>
</tr>
<tr>
<td>70. Administrative Procedure Amendments ........................119</td>
</tr>
<tr>
<td>71. UCC Article 2A - Leases ........................................121</td>
</tr>
<tr>
<td>72. Family Law/Children’s Code, 1993 ...............................123</td>
</tr>
<tr>
<td>73. UCC Article 4A - Funds Transfers ...............................123</td>
</tr>
</tbody>
</table>

**1986-1990 Quadrennium**
<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>74. Condominium Act ................................................124</td>
</tr>
<tr>
<td>75. Adoption Code ....................................................126</td>
</tr>
<tr>
<td>76. Alabama Securities Act ........................................126</td>
</tr>
<tr>
<td>77. Rules of Criminal Procedure ...................................128</td>
</tr>
<tr>
<td>78. Alabama Fraudulent Transfers Act ..............................128</td>
</tr>
<tr>
<td>79. Memorandum of Leases Act .......................................129</td>
</tr>
<tr>
<td>80. Federal Lien Registration Act ...................................129</td>
</tr>
<tr>
<td>81. Notice for Statute of Nonclaims Act ............................130</td>
</tr>
<tr>
<td>82. Redemption of Real Estate Act ................................130</td>
</tr>
<tr>
<td>83. Power of Sale Contained in Mortgages .........................130</td>
</tr>
<tr>
<td>84. Trade Names .........................................................131</td>
</tr>
<tr>
<td>85. Uniform Guardianship and Protective Proceedings Act ........131</td>
</tr>
<tr>
<td>86. Deed in Lieu of Foreclosure ....................................133</td>
</tr>
<tr>
<td>87. Trade Secrets Act ................................................133</td>
</tr>
</tbody>
</table>

**1982-1986 Quadrennium**
<table>
<thead>
<tr>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>88. Alabama Uniform Transfers to Minors .........................134</td>
</tr>
<tr>
<td>89. Uniform Enforcement of Foreign Judgments Act ............135</td>
</tr>
<tr>
<td>90. Eminent Domain Code .............................................136</td>
</tr>
<tr>
<td>Page</td>
</tr>
<tr>
<td>------</td>
</tr>
<tr>
<td>91. Nonprofit Corporation Act ...................................................... 136</td>
</tr>
<tr>
<td>92. Limited Partnership Act .............................................................. 137</td>
</tr>
<tr>
<td>93. Professional Corporation Act ......................................................... 137</td>
</tr>
<tr>
<td>1978-1982 Quadrennium</td>
</tr>
<tr>
<td>94. Probate Code ............................................................................... 138</td>
</tr>
<tr>
<td>95. Administrative Procedure Act ......................................................... 138</td>
</tr>
<tr>
<td>96. Article 9, UCC, 1982-Secured Transactions .................................... 138</td>
</tr>
<tr>
<td>97. Business Corporation Act ................................................................. 138</td>
</tr>
<tr>
<td>98. Banking Code ................................................................................. 139</td>
</tr>
<tr>
<td>99. Rules of the Road Act .................................................................... 139</td>
</tr>
<tr>
<td>100. Criminal Code Form Indictments .................................................. 139</td>
</tr>
<tr>
<td>1974-1978 Quadrennium</td>
</tr>
<tr>
<td>101. Criminal Code .............................................................................. 139</td>
</tr>
</tbody>
</table>

VI. RECENT PUBLICATIONS AND COMPLETED PROJECTS ........................................ 141

1. Alabama Sheriffs Orientation, 2015 ....................................................... 141
3. Alabama Legislative Orientation, 2014 .............................................. 142
4. Alabama Competitive Bid and Public Works Laws ................................. 143
5. Alabama Legislation, 8th Ed., 2014 ...................................................... 143
6. Basic Judicial Training for Probate Judges ............................................ 144
8. Election Law Training for Public Officials ............................................ 146
9. Advanced Training Course for Sheriffs ................................................ 148
10. Chief Clerks’ Training Conference ...................................................... 148
12. Probate Judges’ Orientation ................................................................. 149
13. Advanced Judicial Training for Probate Judges .................................. 150

VII. CURRENT PROJECTS OR STUDIES ......................................................... 153

1. Alabama Government Manual .............................................................. 153
OFFICERS AND MEMBERS OF
THE INSTITUTE COUNCIL

OFFICERS OF THE INSTITUTE

President: Senator Cam Ward
Vice President: Representative Marcel Black
Secretary & Director: Othni J. Lathram

EXECUTIVE COMMITTEE

LaVeeda Battle
David Boyd
James M. Campbell
William N. Clark
Representative Chris England

Peck Fox
Senator Arthur Orr
Representative Bill Poole
Senator Rodger Smitherman

Emeritus Members
Senator Roger Bedford
Fred Gray

COUNCIL OF THE INSTITUTE
Appointed Members

Supreme Court
Justice Michael Bolin

Court of Civil Appeals
Judge William C. Thompson

Court of Criminal Appeals
Judge Samuel Henry Welch

Circuit Judge
Judge David Kimberley

Federal Court Judge
Judge Keith Watkins

Attorney General
Luther Strange

Legal Advisor to the Governor
David Bryne

Chairman, Senate Judiciary Committee
Senator Cam Ward

Chairman, House Judiciary Committee
Representative Mike Jones

President, Alabama State Bar
Richard Raleigh

Director, Alabama State Bar
Keith B. Norman

Dean, University of Alabama
Dean Mark Brandon

School of Law

Dean, Cumberland Law School
Dean Henry Strickland

of Samford University

Dean, Birmingham School
Dean James L. Bushnell

of Law

Dean, Miles College Law School
Dean J. Richet Pearson

Dean, Jones Law School
Dean Matt Vega

President, Alabama Law Institute
Senator Cam Ward
Secretary, Alabama Law Institute  
Othni Lathram

Secretary, Legislative Council  
Jerry Bassett

Continuing Legal Education  
Noah Funderburg

Faculty, University of Alabama  
Jim Bryce

School of Law  
Joseph Colquitt

Faculty, Cumberland Law School  
Howard Walthall

Samford University  
Robert J. Goodwin

LAWYER MEMBERS OF THE LEGISLATIVE COUNCIL

Representative Marcel Black  
Senator Arthur Orr

Representative Paul DeMarco  
Senator Cam Ward

Senator Roger Bedford, Jr.  
Senator Tom Whatley

GOVERNOR'S REPRESENTATIVES

William Broome  
John M. Peek

Honorable Bernard Harwood, Jr.  
Richard J. R. Raleigh, Jr.

Honorable Champ Lyons, Jr.  
Clayton M. Ryan

ELECTED MEMBERS OF THE AMERICAN LAW INSTITUTE

David A. Bagwell  
Fairhope

David R. Baker  
Birmingham

Louis E. Braswell  
Mobile

William S. Brewbaker, III  
Tuscaloosa

Eric G. Bruggink  
Ozark

John L. Carroll  
Birmingham

Thomas N. Carruthers  
Birmingham

Marvin Cherner  
Birmingham

William N. Clark  
Birmingham

Camille W. Cook  
Tuscaloosa

Ralph D. Cook  
Birmingham

N. Lee Cooper  
Birmingham

Brannon P. Denning  
Birmingham

Alyssa A. DiRusso  
Birmingham

Bryan K. Fair  
Tuscaloosa

Michael D. Floyd  
Birmingham

Linda A. Friedman  
Birmingham

A.H. Gaede, Jr.  
Birmingham
<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles W. Gamble</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>James W. Gewin</td>
<td>Birmingham</td>
</tr>
<tr>
<td>J. Foy Guin, Jr.</td>
<td>Birmingham</td>
</tr>
<tr>
<td>William H. Henning</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>Broox G. Holmes</td>
<td>Mobile</td>
</tr>
<tr>
<td>Thaddeus Holt</td>
<td>Point Clear</td>
</tr>
<tr>
<td>Thomas L. Jones</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>Anthony A. Joseph</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Ronald J. Krotoszynski</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>Othni J. Lathram</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>Matthew Howard Lembke</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Thad G. Long</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Champ Lyons, Jr.</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Robert L. McCurley, Jr.</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>Frank Hampton McFadden</td>
<td>Montgomery</td>
</tr>
<tr>
<td>M. Roland Nachman, Jr.</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Bert S. Nettles</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Kevin C. Newsom</td>
<td>Birmingham</td>
</tr>
<tr>
<td>J. Vernon Patrick, Jr.</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Pamela Pierson</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>James R. Pratt, III</td>
<td>Birmingham</td>
</tr>
<tr>
<td>James D. Pruett</td>
<td>Gadsden</td>
</tr>
<tr>
<td>William H. Pryor, Jr.</td>
<td>Birmingham</td>
</tr>
<tr>
<td>William G. Ross</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Benjamin T. Rowe</td>
<td>Mobile</td>
</tr>
<tr>
<td>Romaine S. Scott, Jr.</td>
<td>Birmingham</td>
</tr>
<tr>
<td>L. Vastine Stabler, Jr.</td>
<td>Birmingham</td>
</tr>
<tr>
<td>John Scott Vowell</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Howard P. Walthall</td>
<td>Birmingham</td>
</tr>
<tr>
<td>H. Thomas Wells, Jr.</td>
<td>Birmingham</td>
</tr>
<tr>
<td>James C. Wilson, Jr.</td>
<td>Birmingham</td>
</tr>
</tbody>
</table>
### PRACTICING ATTORNEYS

#### 1st District

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allan Chason</td>
<td>Bay Minette</td>
</tr>
<tr>
<td>Daryl Drinkard</td>
<td>Grove Hill</td>
</tr>
<tr>
<td>Victor Lott</td>
<td>Mobile</td>
</tr>
<tr>
<td>Beth Marietta Lyons</td>
<td>Mobile</td>
</tr>
<tr>
<td>E. B. Peebles, III</td>
<td>Mobile</td>
</tr>
<tr>
<td>Sam Stockman</td>
<td>Mobile</td>
</tr>
</tbody>
</table>

#### 2nd District

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wade Baxley</td>
<td>Dothan</td>
</tr>
<tr>
<td>David Boyd</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Peck Fox</td>
<td>Montgomery</td>
</tr>
<tr>
<td>M. Dale Marsh</td>
<td>Enterprise</td>
</tr>
<tr>
<td>Will Sellers</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Money McCorvey Gaines</td>
<td>Montgomery</td>
</tr>
</tbody>
</table>

#### 3rd District

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lee Armstrong</td>
<td>Auburn</td>
</tr>
<tr>
<td>J. Tutt Barrett</td>
<td>Opelika</td>
</tr>
<tr>
<td>Bill Broome</td>
<td>Anniston</td>
</tr>
<tr>
<td>Robert T. Meadows, III</td>
<td>Opelika</td>
</tr>
<tr>
<td>Barry D. Vaughn</td>
<td>Sylacauga</td>
</tr>
<tr>
<td>T. Boice Turner, Jr.</td>
<td>Anniston</td>
</tr>
</tbody>
</table>

#### 4th District

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Atkinson</td>
<td>Hamilton</td>
</tr>
<tr>
<td>Greg Cusimano</td>
<td>Gadsden</td>
</tr>
<tr>
<td>Kent Henslee</td>
<td>Gadsden</td>
</tr>
<tr>
<td>Jeff McLaughlin</td>
<td>Guntersville</td>
</tr>
<tr>
<td>James D. Pruett</td>
<td>Gadsden</td>
</tr>
<tr>
<td>Finis E. St. John, IV</td>
<td>Cullman</td>
</tr>
</tbody>
</table>
### 5th District

<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marcel Black</td>
<td>Tuscumbia</td>
</tr>
<tr>
<td>Julian Butler</td>
<td>Huntsville</td>
</tr>
<tr>
<td>David Howard</td>
<td>Florence</td>
</tr>
<tr>
<td>Tammy Irons</td>
<td>Florence</td>
</tr>
<tr>
<td>John Plunk</td>
<td>Athens</td>
</tr>
<tr>
<td>Julia Roth</td>
<td>Decatur</td>
</tr>
</tbody>
</table>

### 6th District

<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frank C. Ellis, Jr.</td>
<td>Columbiana</td>
</tr>
<tr>
<td>Leatha K. Gilbert</td>
<td>Birmingham</td>
</tr>
<tr>
<td>William Hairston, III</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Carol Stewart</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Will Hill Tankersley</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Larry Vinson</td>
<td>Birmingham</td>
</tr>
</tbody>
</table>

### 7th District

<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sydney Cook</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>Valerie Chittom</td>
<td>Selma</td>
</tr>
<tr>
<td>Chris England</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>William J. Gamble</td>
<td>Selma</td>
</tr>
<tr>
<td>John A. Owens</td>
<td>Tuscaloosa</td>
</tr>
<tr>
<td>Nathan Watkins, Jr.</td>
<td>Livingston</td>
</tr>
</tbody>
</table>

### MEMBERS OF THE ALABAMA LAW INSTITUTE

#### Term Expiring 2016

<table>
<thead>
<tr>
<th>Name</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>John W. Adams, Jr.</td>
<td>Mobile</td>
</tr>
<tr>
<td>Ed Allen</td>
<td>Birmingham</td>
</tr>
<tr>
<td>James E. Bridges, III</td>
<td>Opelika</td>
</tr>
<tr>
<td>Anna Funderburg-Buckner</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Bradley R. Byrne</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Henry Chappell</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Thomas W. Christian</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Bill Clark</td>
<td>Birmingham</td>
</tr>
<tr>
<td>James R. Clifton</td>
<td>Andalusia</td>
</tr>
<tr>
<td>Brittin T. Coleman</td>
<td>Birmingham</td>
</tr>
<tr>
<td>Hendon Blaylock Coody</td>
<td>Montgomery</td>
</tr>
<tr>
<td>Samuel N. Crosby</td>
<td>Daphne</td>
</tr>
</tbody>
</table>
Laura Crum
Ron Davis
Carolyn Duncan
Sandy Gunter
Hon. Dawn Hare
William L. Hinds, Jr.
Ed Hines
William F. Horsley
David Howard
Allison Alford Ingram
Lynn R. Jackson
Doug Jones
Sandra Lewis
Curtis O. Liles, III
Thad Long
David Marsh
Tyrone C. Means
Randy Nichols
Richard Ogle
Gerald Paulk
Courtney Potthoff
Ann D. Richardson
John A. Russell, III
John Saxon
Kirby Sevier
Floyd Sherrod, Jr.
Carol Ann Smith
E. Watson Smith
George A. Smith, II
Harold Stephens
Robert Walthall
Leonard Wertheimer, III
Ralph Yeilding

Montgomery
Tuscaloosa
Birmingham
Tuscaloosa
Monroeville
Birmingham
Brewton
Opelika
Tuscaloosa
Birmingham
Montgomery
Birmingham
Birmingham
Montgomery
Birmingham
Birmingham
Montgomery
Birmingham
Tuscaloosa
Birmingham
Huntsville
Huntsville
Birmingham
Birmingham
Birmingham

Term Expiring 2018

Al Agricola, Jr.
Judy Barganier
Charlie Beavers, Jr.
Hamp Boles
William M. Bowen, Jr.
David B. Byrne, Jr.
Andy Campbell
James Campbell
Robert Cox

Montgomery
Montgomery
Birmingham
Birmingham
Birmingham
Montgomery
Birmingham
Anniston
Birmingham
Milton Coxwell          Monroeville
C. Fred Daniels        Birmingham
J. Mason Davis         Birmingham
Bruce Ely              Birmingham
L.B. Feld              Birmingham
Samuel H. Franklin     Birmingham
Mike Freeman           Birmingham
Richard Gill           Montgomery
Lee L. Hale            Mobile
D. Patrick Harris      Montgomery
James A. Harris, Jr.   Birmingham
Ted Jackson, Jr.       Montgomery
Parker C. Johnston     Millbrook
Mike Jones             Luverne
Anthony Joseph         Birmingham
Marc Keahey            Grove Hill
Karen Mastin Laneaux   Montgomery
Alan Livingston        Dothan
Joseph McCorquodale, III Jackson
S. Lynn Marie McKenzie Cullman
William Z. Messer      Montgomery
Wesley Pipes           Mobile
Marcus W. Reid         Anniston
Mike L. Roberts        Gadsden
Morris Savage          Jasper
Robert D. Segall       Montgomery
F. Don Siegal          Birmingham
Henry E. Simpson       Birmingham
Alyce Spruell          Tuscaloosa
Jack Stephenson, Jr.   Birmingham
Bryan Taylor           Prattville
Cleo Thomas, Jr.       Anniston
Brian Williams         Birmingham

Term Expiring 2020

Phillip Adams, Jr.      Opelika
Tom Albritton           Andalusia
S. Eason Balch, Jr.     Birmingham
James M. Barnes, Jr.    Marion
LaVeeda Morgan Battle   Birmingham
Hon. Billy C. Burney    Decatur
Greg Butrus             Birmingham
Ernest Cory             Birmingham
Paul DeMarco            Birmingham
Mike Ermert                  Birmingham
Joe Espy                     Montgomery
Jack Floyd                   Gadsden
Lynda Flynt                  Montgomery
Walter A. Griess             Eutaw
Bernard Harwood, Jr.         Tuscaloosa
Robert M. Hill, Jr.          Florence
Caroline Hinds               Mobile
G. Houston Howard, II        Wetumpka
Jim Hughey, Jr.              Birmingham
Frank S. James, III          Birmingham
Barrown Lankster             Demopolis
Tim Littrell                 Moulton
Scott Ludwig                 Huntsville
Johnny Lyle                  Mobile
Mark D. Maloney              Decatur
Tommy Mancuso                Montgomery
James L. Martin              Eufaula
Walter McGowan               Tuskegee
Bruce J. McKee               Birmingham
Rebekah McKinney             Huntsville
Andrew J. Noble, III         Birmingham
Casey Pipes                  Mobile
Harlan Prater                Birmingham
Robert B. Reneau             Wetumpka
Sam Rumore, Jr.              Birmingham
Yusuf Salaam                 Selma
Cooper Shattuck              Tuscaloosa
Sydney S. Smith              Phenix City
K. Scott Stapp               Demopolis
James M. Tingle              Birmingham
Mike Waters                  Montgomery
Rocky Watson                 Fort Payne
Drew Whitmire, Jr.           Birmingham
James E. Williams            Montgomery
James J. Wood                Montgomery

**Life Members**

Walter R. Byars               Montgomery
Joe C. Cassady                Enterprise
David B. Cauthen              Decatur
Gerald D. Colvin, Jr.         Birmingham
Camille W. Cook               Tuscaloosa
Robert T. Cunningham          Mobile
George P. Ford  
Gadsden
Conrad M. Fowler, Jr.
Columbiana
Ralph Gaines, Jr.
Talladega
James W. Gewin
Birmingham
Lyman F. Holland, Jr.
Mobile
John W. Johnson, Jr.
Lanett
Thomas L. Jones
Tuscaloosa
Jack Livingston
Scottsboro
Louis B. Lusk
Guntersville
Richard S. Manley
Demopolis
George F. Maynard
Birmingham
Oakley W. Melton, Jr.
Montgomery
Roland M. Nachman, Jr.
Montgomery
Robert D. Norman, Jr.
Birmingham
E. B. Peebles, III
Mobile
Sam M. Phelps
Tuscaloosa
Ernest L. Potter, Jr.
Huntsville
James D. Pruett
Birmingham
Ira D. Pruitt, Jr.
Livingston
William M. Russell, Jr.
Tuskegee
Yetta Samford
Opelika
L. Vastine Stabler, Jr.
Birmingham
C. Stephen Trimmier
Birmingham
Jacob Walker, Jr.
Opelika

Senior Members

John Albritton
Montgomery
Albert Brewer
Birmingham
John S. Casey
Heflin
William B. Hairston, Jr.
Birmingham
William Hause
Dothan
Tommy Lawson, Jr.
Montgomery
INSTITUTE STAFF AND ASSISTANTS
2014 - 2015

Director: Othni Lathram
Associate Director: Penny Davis
Assistant Director: Teresa Norman
Visiting Fellow: Michael Hill
Office Manager: Jill Colburn
Administrative Assistant: LaTonia Watkins

Reporters
Bill Bowen Bill Henning
Jim Bryce Melinda Sellers
Fred Daniels Carol Stewart
Penny Davis Penny Davis

Legislative Committee Legal Staff
Al Agricola Haskins Jones
Michael Braun Bill Messer
LaVeeda Morgan Battle Eric Pruitt
Jay Hinton Alyce Spruell

Alabama Law Institute Fellows
Jim Bryce Mary Lee Stapp
Nathaniel Hansford Lewey Stephens, Jr.
Thomas L. Jones John Tanner
George Maynard Dr. Richard Thigpen
Andrew Noble, III Howard Walthall
REPORT OF THE DIRECTOR

The members of the Alabama State Bar are a generous, engaged, and highly skilled group. They have a tremendous dedication and commitment to improving the state in which they live and practice. It is that spirit that makes it such a joy to report on the work of the Alabama Law Institute each year.

In Fiscal Year 2014 more than 200 lawyers from every corner of Alabama donated 4845 hours of time working on Law Institute drafting committees. This time does not include the time spent by the Law Institute Council and Membership reviewing, commenting on, and improving those drafts prior to submission to the Alabama Legislature for consideration.

The remarkable consistency of the dedication of the lawyers and legislatures who help the Law Institute fulfill its mission is tremendous. The three pillars of the Law Institute - code revision, legislative service, and education – continue to thrive thanks to the many lawyers, legislators, and local officials who help make each year better than the last. It is with a spirit bolstered by the work of so many that humbles me as I have the great honor of reporting on the work of the Law Institute in 2014.

2014 Legislation

The Alabama Legislature passed four Institute prepared bills during the 2014 Legislative Session: Revised Limited Liability Act of 2015 (Act 2014-144) Sponsored by Representative Paul DeMarco and Senator Rodger Smitherman; UCC Article 9 Amendments (Act 2014-374) Sponsored by Senator Cam Ward and Representative Mike Jones; Title 10A Merger and Conversion Amendments (Act 2014-293) Sponsored by Senator Arthur Orr and Representative Bill Poole; and, Uniform Partition of Heirs Property (Act 2014-299) Sponsored by Senator Jerry Fielding and Representative Marcel Black. It is the passage of acts like these that form the cornerstone of the Institute’s work. The Legislature’s trust in these pieces of legislation is a great testament to the hard work of the many lawyers who work on these projects.
**Legislative Services**

During the 2014 Legislative Session, the Institute again provided legal services to a number of legislative committees and to individual legislators. In addition to the Institute staff, outside lawyers were hired to assist with nine legislative committees.

The 2014 Session also saw the continuation of the Legislative Intern Program with more than 20 upper level college students participating in the program. In 2013, the Institute updated this program by partnering with a number of Universities to offer classes covering state government and the legislative process so that students can get a full semester of class credit for participating in the internship program. The second year of these partnerships saw a good deal of growth in opportunities for students to get this expanded academic credit.

The third year of the legislative law clerk program was a huge success with students from the University of Alabama, Cumberland and Jones Schools of Law participating and providing research assistance on legislative issues.

**Official Training**

In December of 2014 the Law Institute assisted the Legislature in putting on the 2014 Legislative Orientation. The session was held in Montgomery with virtually every legislator in attendance. This past year saw the continuation of the Institute’s work with the Alabama Probate Judges Association. In partnership with the Association the Law Institute help put on four training sessions for Alabama’s Probate Judges. The Institute also published an updated version of Alabama Legislation and worked the Examiners of Public Accounts to update a number of important reference materials for public officials.

Othni J. Lathram
Director

March 3, 2015
I.

INTRODUCTION

Created by act of the Legislature in 1967, the Alabama Law Institute was funded and commenced operations in 1969. The Institute was initially housed in the Law Center Building on the University of Alabama Campus so as to have available the research facilities of the state's largest research law library which is essential to major law revision. It also enables the Institute to have immediate access to the legal experts in various fields under study as ready consultants. The Institute was placed in Alabama's state-sponsored law school not only as a cost-efficient measure, but to remove it from the political influence of the State Capitol. As the role of the Institute has enlarged to include a full complement of legislative support functions, including supervision of capital interns and legislative committee analysts, the Institute also maintains an office at the State House. This office enables the Institute staff to be more readily available to assist legislators with legislative issues.

The primary purpose of the Institute is to clarify and simplify the laws of Alabama, to revise laws that are out-of-date and to fill in gaps in the law where there exists legal confusion.

The Alabama Law Institute works closely with the Legislative Reference Service in the yearly placing of acts passed by the Legislature within the Code of Alabama for proper placement and codification. The Legislative Reference Service prepares the vast majority of bills for each session for the Legislature, however, major code revision work, such as revision of an entire section of law, as Alabama's Business Corporation Law, Criminal Code, etc. are handled by the Alabama Law Institute.

The Law Institute receives its projects from members of the Legislature, state government, the Bar, or may initiate the study itself when revisions are needed.

1 Ala. Code §§ 29-8-1 through 29-8-6.
Once a topic is selected, the Institute selects someone to serve as chief draftsman, who is called a reporter for the study. Experts in the field under revision, as well as legislators, are requested to serve on an advisory committee to prepare the proposed revision. Written commentaries accompany the proposed bill to assist the legislator and those who will be interested in the revision. The Institute issues written drafts with commentaries to each legislator. Many of these projects require intensive study over several years. This meticulous and proficient study provides a credible basis for the Legislature to consider the code revision as being technically accurate. Once a revision is complete, hearings are held around the state for further consideration by the Council of the Alabama Law Institute.

The membership of the Alabama Law Institute is limited to a maximum of 150 members of the Alabama State Bar Association who are elected for fixed terms, the judges of the Alabama Supreme Court, courts of appeals, and circuit courts, federal judges domiciled in Alabama, full-time law faculty members of Cumberland Law School and the University of Alabama School of Law, all members of the Institute Council and all lawyer members of the Legislature, who are licensed to practice in Alabama. The governing body of the Institute is the Institute Council composed of six practicing attorneys from each congressional district as well as representatives from the appellate courts, Attorney General's office, Alabama State Bar Association, law schools, Legislature, and the Governor's office.

Legislators operate with limited staff resources. Legislators can receive assistance with legal research and legislative drafting from the Alabama Law Institute. The Institute employs law clerks and unitizes attorneys and other legal experts who provide an in-depth study of technical legal problems. This coordination of efforts mean that generally over a $1,000,000 of donated legal talent is contributed annually on Institute projects. In 2014, attorneys from around the state donated nearly 5,000 hours, representing more than $1.2 million of time served on Law Institute committees. Representative examples of benefits to the state include over $300,000 of legal services was donated in the drafting of just the Revised Article 9 of the Uniform Commercial Code and another $2,000,000 of donated legal services over nine
years to draft the Business and Nonprofit Entities Code. Like sums are prevalent in the preparation of all Law Institute revisions. Wide exposure is given to all bills before they ever reach the Legislature. The drafts are placed on the internet and written drafts are prepared for review. Input is encouraged from all affected parties as well as the general public.

The Alabama Law Institute is basically a volunteer agency with a Director, Associate Director, Assistant Director, and secretaries who organize the volunteer efforts. Committee members and reporters render their services without compensation. Extensive use is made of law students as law clerks.

For over thirty years the Institute has provided legal counsel to the House and Senate Judiciary committees. Over the same time period, the Institute has provided legal counsel to other committees upon request.

As mandated by its enabling statute, the Institute serves as the conduit for legal training for public officials throughout the state. The Institute regularly publishes handbooks for public officials and other teaching tools to assist legislators as they explain the legislative process to their constituents.
II.

PROCEDURE FOR NEW PROJECTS

1. The Institute, through the Director, receives and considers suggestions from legislators, judges, public officials, the practicing bar and the general public to discover inequities and inconsistencies in the law and possibilities for its improvement and expansion.

2. The Director of the Institute submits the suggestions for revision or clarification of the law which the Institute has received to the Institute Executive Committee and then to the Institute Council.

3. The Council selects a limited number of suggestions as its projects.

4. The Council, through the Director, selects an advisory committee composed of experts on the subject who are responsible for drafting the act or revision.

5. Usually, the Director and advisory committee select a Reporter from one of the Alabama law schools, an Alabama lawyer, or the Institute staff to prepare the initial draft.

6. The Reporter prepares a draft of the proposed legislation and presents a draft with commentary to the advisory committee for comments and criticisms. The advisory committee makes such changes as it deems appropriate before approving the draft.

7. The advisory committee then submits to the Institute Council the proposed act for their consideration and approval.

8. Once approved by the Law Institute Council the recommended law revision is presented to the Alabama Legislature for its consideration. The time required for preparation and
approval of such revisions varies from a matter of months to several years.
III.

PROJECTS TO BE PRESENTED TO
THE LEGISLATURE IN 2015

1. Uniform Certificate of Title for Vessels Act
Chairman: E.B. Peebles
Reporter: Professor Bill Henning

More than a one-third of states, including Alabama, do not have a certificate of title law for boats and other vessels. The lack of uniformity among states on this issue allows for extensive fraud: title to a stolen vessel can be washed by moving the vessel to a new jurisdiction that either has no titling law or has a statute that does not cover the type of vessel stolen.

Alabama’s lack of a titling law for vessels is a particular hardship on owners whose vessel is damaged, destroyed, or lost in a natural disaster. Following such events, residents are often left with the difficulty of proving ownership of lost or damaged vessels.

The Uniform Certificate of Title for Vessels Act addresses all of these problems. In general, the act covers all vessels at least 16 feet in length and all vessels propelled by an engine of at least 10 horsepower. Exceptions exist for seaplanes, amphibious vehicles for which a certificate of title is issued pursuant to a motor vehicle titling act, watercraft that operate only on a permanently fixed, manufactured course, certain houseboats, lifeboats used on another vessel, and watercraft owned by the United States, a state, or a foreign government.

The act applies if the vessel is used principally on the waters of Alabama. An owner must apply for a certificate of title. However, no application is required for a federally documented vessel, a foreign documented vessel, a barge, a vessel under construction, or a vessel owned by a dealer.

A title application must include information about the owner or owners, the vessel, and any secured parties. The
application must be accompanied by documentary evidence showing the applicant to be an owner of the vessel. Most of the information in the application will then be put on the certificate. The titling office will maintain its records so that searches about vessels can be conducted by the vessel’s hull identification number, by the vessel number, or by the owner’s name.

This act has a delayed effective date until January 1, 2017. Generally, the act will only apply to vessels in which Alabama is the State of principle use on or after January 1, 2017. However, the act has an “opt-in” provision that will allow vessel owners who own certain vessels that are not covered under this act the option to voluntarily obtain a certificate for their vessel.

2. **Restrictive Covenants in Contracts**
Chairman: Will Hill Tankersley

The current law, Section 8-1-1 of the Alabama Code, dates back to the Code of 1923 standing for the proposition that contracts in the restraint of trade are void. This statute has resulted in extensive litigation and a great many opinions from the Alabama Supreme Court, which turn on innumerable fact patterns. Often it is difficult, if not impossible, to advise persons on how such a dispute over a restrictive covenants will turn out.

The proposed act attempts to provide some clarity and statutory structure to this area of the law, while not varying widely from the current principles in Alabama law. Section 1 preserves the current presumption in Alabama Code Section 8-1-1 against contracts in restraint of trade. It also retains two exceptions from the previous statute. Because other "partial restraints" have been recognized by the courts as not being inconsistent with the general prohibition, this redraft codifies those exceptions.

In addition, it makes explicit three limitations to those exceptions which have developed over time. The first is the requirement in Section 1(b) that all exceptions must preserve a protectable interest, defined in Section 2. The second is that two of the limitations, Sections 1(b)(3) and (4), impose a requirement that time and place restraints be reasonable. The third is that courts are
given a general power not to enforce, in whole or in part, restraints which cause undue hardship.

Section 2 confirms current Alabama law with regard to the requirement to show the actual protectability of the information or commercial relationship that is the purported subject of the restrictive. Merely prospective commercial relationships are not be protectable, unless the proponent of the covenant can show substantial investment in the specific prospective commercial relationship. Restrictive covenants related to good will in franchise or other agreements that otherwise satisfy the requirements of this act are enforceable.

Section 3 requires mutuality with respect to all significant provisions of a restrictive covenant. Section 7 continues the professional exemptions recognized by Alabama law.

3. **Right of Publicity Act**
   Chairman: Will Hill Tankersley

The Right of Publicity can be defined as the right to control the commercial use of one’s identity. The right of publicity evolved from the general principles of invasion of privacy that prohibit using a person’s name or likeness to gain a benefit. The elements typically comprising the Right of Publicity are referred to as the name, image and likeness of every person. The Right of Publicity presumes that everyone, regardless of fame, has a right to prevent unauthorized use of their name or image to sell products. This right has also been held to prohibit any implication that a person endorses a product (without the person’s permission).

A number of states recognize the Right of Publicity via statute, for example, California, Florida, Indiana, Illinois, Kentucky, New York, Nebraska, Ohio, Oklahoma, Tennessee, Texas, Utah, and Virginia).

4. **Uniform Asset-Preservation Orders Act**
   Chairman: Dean John Carroll

The Uniform Asset-Preservation Orders Act (UAFOA) creates a uniform process for the issuance of asset-preservation
orders, freezing the assets of a defendant, and imposing collateral restraint on nonparties, such as the defendant’s bank, in order to preserve assets from dissipation, pending judgment.

The viability of asset-preservation orders became a concern after the decision of the United States Supreme Court in *Grupo Mexicano de Dessarolo v. Alliance Bond Fund, Inc.*, 527 U.S. 308 (1999). Although, the *Grupo Mexicano* decision involved the jurisdiction of the federal courts, it caused some confusion in the state court system over the propriety of asset-preservation orders. Subsequent to that decision, some state supreme courts have concluded that courts in their state lacked the authority to issue asset-preservation orders, while other courts have reached the opposite conclusion.

The UAPOA is designed to remedy this current lack of uniformity on the question of whether courts have the power to issue and recognize asset-preservation orders by providing states with a uniform act that authorizes the issuance of asset-preservation orders. It also provides for the recognition and enforcement of asset-preservation orders by other states and courts outside the United States.

An asset-preservation order is, by its very nature, an extraordinary remedy with potentially significant impact on the debtor whose assets are frozen and on third-parties holding those assets. Accordingly, the act provides rigorous standards which must be met before such an order can be issued. The UAPOA provides appropriate procedural safeguards to both debtors and non-parties, such as banks.

5. **Uniform Interstate Family Support Act**

   Chairman: Julia Roth
   Reporter: Penny Davis

The Uniform Interstate Family Support Act (UIFSA) provides universal and uniform rules for the enforcement of family support orders. In 1996, the U.S. Congress mandated, as a condition of state eligibility for the federal funding of child support enforcement, the enactment of UIFSA (1996). Each state, including Alabama, subsequently enacted the UIFSA (1996).
In 2008, amendments to UIFSA were drafted to incorporate the provisions of the 2007 Hague Convention on the International Recovery of Child Support of Family Maintenance into state law (“the Convention”). The Convention contains numerous provisions that establish uniform procedures for the processing of international child support cases.

In 2014, Congress enacted the Preventing Sex Trafficking and Strengthening Families Act. That act required each state to expeditiously enact the UIFSA 2008 amendments during their 2015 legislative session as a condition for continued receipt of federal funds supporting state child support programs. Failure to enact these amendments by that time may result in a state’s loss of important federal funding.

Additionally, the enactment of the 2008 UIFSA amendments will improve the enforcement of American child support orders abroad and will ensure that children residing in the United States will receive the financial support due from parents, wherever the parents reside. The amendments provide guidelines and procedures for the registration, enforcement, and modification of foreign support orders from countries that are parties to the Convention.

6. **Deployed Parents Custody and Visitation Act**
   Chair: Dean Noah Funderburg
   Reporter: Penny Davis

This bill was drafted by the Standing Family Law Committee and concerns the custody and visitation issues of deployed parents. This bill is drafted in conformity with a provision of the National Defense Authorization Act of 2014 passed by the United States Congress in December, 2013. It provides that a military deployment may not be the sole factor considered by the court in making a custody determination. Furthermore, it provides clarification to the court on its ability to issue a pendent lite custody determination order in situations in which a case is continued or stayed based on Federal law.
7. **Division of Retirement Benefits Upon Divorce Act**
   Chair: Dean Noah Funderburg  
   Reporter: Penny Davis

   This bill was drafted by the Standing Family Law Committee which will be submitted to the Legislature in the 2015 Regular Session and concerns division of retirement benefits upon divorce. Under this bill the court retains the discretion to award retirement benefits to the non-employed spouse within certain limitations. The bill retains the limitation that precluded the court from awarding more than 50% of the non-employed spouse's retirement benefits accrued during the marriage. However, the bill eliminates the threshold requirements that the parties must be married for at least 10 years before the court could consider awarding retirement benefits.

   The bill grants the court broad discretion to use any equitable method of valuing, dividing and distribution of the benefits. It eliminates the costly requirement of providing evidence of the present value of the retirement benefits in all cases.

   Subsection (d) provides a more equitable result by requiring that each party equally bear the burden or benefit of the passive appreciation or depreciation of the retirement benefits during time between the award of the benefits and their distribution. Finally, the court is given the authority to enter orders to protect and preserve the interest of either spouse in the retirement benefits.

8. **Grandparent Visitation Act**
   Chair: Dean Noah Funderburg  
   Reporter: Penny Davis

   This bill was drafted by the Standing Family Law Committee. Under common law, grandparents did not have any legal rights to court-ordered visitation with their grandchildren over the objection of the parents of the grandchild. Thus, grandparent visitation has been authorized by legislative enactment.
In 2011, Alabama's current grandparent visitation statute was declared unconstitutional in Ex parte E.R.G., 73 So.3d 634 (Ala. 2011), based in part on Troxel v. Granville, 530 U.S. 57, 120 S.Ct. 2054, 147 L.Ed.2d 49 (2000). This act has been drafted to meet the constitutional requirements the court determined to be lacking in the existing statute by providing for a rebuttable presumption that a fit parent's decision denying or limiting visitation to the petitioner is in the best interest of the child. This act is based on an Arkansas law previously held by the Arkansas courts to meet the Troxel requirements.

Moreover, in this act Alabama has chosen to use the enhanced standard of clear and convincing evidence, rather than the preponderance of the evidence standard embraced by the Arkansas statute.

To rebut the decision of the parent to deny visitation, the grandparent must prove by clear and convincing evidence, both of the following: the grandparent has a significant and viable relationship with the grandchild and visitation with the grandparent is in the best interest of the grandchild.

Courts may grant temporary visitation pending a final order under limited circumstances. Also, the court has the discretion to award any party reasonable expenses incurred by or on behalf of the party.

This act repeals the exiting statute, Section 30-3-4.1 of the Code of Alabama 1975.


   Chair: Jim Wilson
   Reporter: Scott Ludwig

   This Act would amend the Alabama Limited Liability Company Law of 2014 to clarify three issues. First, the Act clarifies the law to make clear that the law of the state in which a foreign limited liability company is formed governs the internal affairs of that entity. Second, the Act clarifies that under normal circumstances the liability of a member of a limited liability
company for wrongful distributions is limited to the amount of the distributions received. Third, the Act corrects some technical errors in cross references.

10. **Amendments to Probate Code**
    Chair: Leonard Wertheimer, III

    Under current law, a person who is divorced from a decedent is not a surviving spouse for purposes of inheritance through a will, however the law is silent as to the passage of assets through other devices or payable on death instruments.

    This bill would expand this concept to cover “will substitutes” such as revocable inter-vivos trusts, life-insurance and retirement-plan beneficiary designations, transfer-on-death accounts, and other revocable dispositions to the former spouse that the divorced individual established before the divorce or annulment.

    The bill would also affect a severance of the interests of the former spouses in property that they held at the time of the divorce or annulment as joint tenants with the right of survivorship by causing their co-ownership interests become tenancies in common.
IV.

REVISIONS UNDER STUDY

1. **Family Law Standing Committee**
   Chairman: Dean Noah Funderburg
   Reporter: Penny Davis

   In 2013, the Family Law Standing Committee was formed to begin a systematic review of family law. At the initial meeting, the committee formulated and prioritized a list of issues to be considered.

   Three bills will be presented to the Legislature during the 2015 Regular Session. They are a new Grandparent Visitation, a Deployed Parents Custody and Visitation Act and the Division of Retirement Benefits Upon Divorce Act.

   The committee is currently drafting a new alimony statute. The committee is also studying several other potential family law areas for future revision including custody, parenting plans, common law marriage and gestational agreements.

2. **Standing Trust Committee**
   Chairmen: Leonard Wertheimer & Ralph Yielding
   Reporter: Fred Daniels

   In 2012, the Law Institute created a Standing Trust Committee to assist the Alabama Legislature in staying abreast of the evolving changes in the area of trust law. The first area addressed by the committee was the development of a unitrust law for Alabama. In 2013, the Legislature adopted a committee recommendation and enacted a bill that updated the Alabama Principal and Income Act to provide for the establishment of unitrusts in Alabama.

   The committee is presenting to the Legislature for consideration during the 2015 session a statute that will invalidate certain aspects of trust agreements, such as beneficiary designations upon divorce.
The committee is beginning a study on asset protection trusts. We anticipate this review will take several months to complete.

3. **Real Estate Study Committee**
   Chairman: John Plunk
   Reporter: Robert L. McCurley

   The Real Estate Standby Committee was formed to review various real estate acts for possible recommendation to the Alabama Legislature. There are several areas of real estate law that have been studied by the National Conference of Commissioners on Uniform State Laws. These studies have resulted in the recommendation of several acts. Among those recommended by the Uniform Commissioners and studied by the committee are:

   A. Uniform Conservation Easement Act (passed 2007, effective date January 1, 2008)
   B. Ad Valorem Tax Sales (Passed 2009, effective date September 1, 2009)
   C. Uniform Real Property Electronic Recording Act (Passed 2009, effective date January 1, 2010)
   D. Rule Against Perpetuities (Passed 2011, effective date January 1, 2012)
   E. Amendments to the Alabama Condominium Act (review began 2010) *(See item 7: Amendments to the Condominium Act)*

4. **Nonprofit Corporation Act**
   Chairman: L. B. Feld
   Reporter: Professor James Bryce

   Alabama’s Model Nonprofit Act was adopted in 1984 and followed the 1964 Model Nonprofit Act drafted by the American Bar Association. Since that time, the Nonprofit Act has twice been revised by the American Bar Association with the third edition adopted in August 2008.
The Institute committee was formed in 2007 to begin a review of the new act drafted by the ABA. The act is divided into 17 Chapters. The committee has reviewed the act and made a number of changes to conform the act to Alabama practices.

Subsequent to the passage of the Alabama Business and Nonprofit Entities Code in 2009, the committee has reviewed the Nonprofit Act in light of the need to make changes to incorporate the new Nonprofit Corporation Law into the Alabama Business and Nonprofit Entities Code. The committee is working to ensure that the changes in the Model Act recommended by the American Bar Association are compatible with Alabama’s new Alabama Business and Nonprofit Entities Code, effective 2011. All revised entities will become a part of the Entities Code.

5. **Alabama Criminal Code Review**
   
**Chairman:** Howard Hawk  
**Reporter:** Bill Bowen

The Alabama Criminal Code became effective in 1980. Since that time there have been numerous amendments, additions, and changes. A new Criminal Code committee was formed in 2009.

The original 1980 Criminal Code was compared with the current law showing line through and underlined changes during the past 30 years. The Committee is undertaking a systematic review of the entire criminal code, classification system and sentencing structure.

This review will be conducted with the goal of ensuring the criminal code is as effective and efficient as possible. The committee is reviewing the chapters one at a time. It is anticipated that this review will take several years to complete.
6. **Business Entities Standing Committee**  
*Chairman: Jim Wilson*

In 2012, the Institute formed a standing committee on Business Entities (Title 10A) to address issues related to the adoption and implementation of Title 10A and to discuss developing issues related to business entities as they arise. The initial concern for the committee was to review and update the Name Reservation provisions in light of new technology advances. A bill to amend the Business Entities Code on name reservations was passed by the Legislature in 2013.

In the 2014 session, the legislature passed amendments relating to Mergers and Conversions. In the 2015 session, the committee will be submitting amendments to the LLC Act. The committee’s current study is of the Model Business Corporation Act. It is anticipated that this study will take several years.

7. **Condominium Act Amendments**  
*Chairman: John Plunk  
Reporters: Carol Stewart  
Melinda Sellers*

Alabama’s Condominium Act was passed in 1990 and is located in Chapter 8A of Title 35 of the Code of Alabama. During the past 21 years several issues have been raised needing clarification. Listed below is a summary of the issues addressed by the amendments.

1. Section 35-8A-102(c) was amended to clarify when an offering statement is required for sales of units in condominiums located outside of Alabama which are sold to Alabama residents.
2. The amendment to § 35-8A-103(4) recognizes that easements and other interests in real property can be a common element.
3. The amendment to § 35-8A-103(11) identifies the development right to convert common elements to units when reserved in the declaration.
4. The amendment to § 35-8A-105(c) recognizes that some property subject to development rights can not be separately assessed and taxed.

5. The amendment to § 35-8A-107(c) requires that any portion of an award attributable to condemnation of limited common elements be divided among the owners in accordance with the value of the interest in a particular limited common element assigned to the units rather than requiring the amounts to be equally divided among the unit owners.

6. Section 35-8A-201(b) was amended to delete the requirement of maintenance of a condominium book by the judge of probate in each Alabama county.

7. Section 35-8A-201(c) was amended to clarify that a declaration or an amendment to the declaration is not effective until there is substantial completion of the structural and mechanical systems in the buildings located on the property being submitted to the condominium form of ownership. The amendment to § 35-8A-210(c) also removes the requirement that the engineer or architect certify that the structural and mechanical systems of all buildings were "completed in accordance with the plans."

8. Section 35-8A-208(a) was amended to require the association's consent for limited common element reallocations.

9. The amendments to § 35-8A-209(b) were substantially revised to require all information to be included on the plat to the extent such information could be shown on a two dimensional page, showing the subdivision of land and reciprocal rights relating to the subdivision.

10. The amendments to § 35-8A-209(d) eliminate the requirement of showing development
rights to subdivide if such rights are described in the declaration.
11. Section 35-8A-(209)(g) was amended to allow a licensed surveyor to provide the required certification. This change expands the prior law which provided that only a licensed engineer or architect could certify to a plat.
V.

ENACTED LEGISLATION
AND COMPLETED PROJECTS

2010-2014 Quadrennium

1. **Article 9 of the Uniform Commercial Code**
   **(2010 Amendments)**

   This Act was passed in 2014 and became effective July 1, 2014. Article 9 of the Uniform Commercial Code governs secured transactions in personal property. It provides the rules governing any transaction (other than a finance lease) that couples a debt with a creditor’s interest in a debtor’s personal property. If the debtor defaults, the creditor may repossess and sell the property (generally called collateral) to satisfy the debt. The creditor’s interest is called a “security interest.”

   Alabama’s existing law is codified as Chapter 9A of Title 7 of the Code of Alabama. The 2010 amendments to Article 9 modified the existing statute to respond to filing issues and address other matters that have arisen in practice following experience with the current law.

   One of the most importance aspects of the amendments is that it provides greater guidance as to the name of an individual debtor to be provided on a financing statement. For business entities and other registered organizations, the amendments clarify the proper name for perfection purposes.

   Other improvements made by the Amendments to Article 9 of the Uniform Commercial Code include:

   1. the amendments provide greater protection for an existing secured party having a security interest in after-acquired property when its debtor merges with another entity;

   2. the amendments also deal with perfection issues arising on after-acquired property when a debtor
(individual or organization) moves to a new jurisdiction by giving the filer perfection for four months in collateral acquired post-move; and,

3. a safe harbor for the transfer of chattel paper in conformance with the Uniform Electronic Transactions Act is included.


This Act was passed in 2014 and became effective January 1, 2015. It is codified as Chapter 5A of Title 10A of the Code of Alabama. This act marks a significant improvement in the state of the law in Alabama relating to limited liability companies. Prior to this Act, the last substantive revision to Alabama's Limited Liability Company Act came in 1997. This revision brings Alabama to the forefront in laws governing limited liability companies.

This act updates Alabama’s Limited Liability Company Law. It continues the practice of updating the law as the laws governing limited liability companies continues to evolve. This Act, like its predecessors, is not based on a single source, but rather has borrowed concepts and provisions from a variety of sources including the Revised Uniform Limited Liability Company Act and the Revised Prototype Limited Liability Company Act. A few important features of this act are:

(a) Contractual Nature. The act focuses on the contractual nature of the limited liability company. There are few mandatory provisions in the act; most features of a limited liability company can be modified by the parties to suit their needs. The act includes many default provisions that apply if the members do not modify them in the limited liability company agreement.

(b) Mandatory Safeguards. Despite the emphasis on allowing the parties to make their own contract, the act provides that certain obligations, such as the implied contractual covenant of good faith and fair dealing, cannot be modified.

(c) Notice Filing. In keeping with the contractual nature of the limited liability company, the filings required to form, dissolve,
merge, or convert a limited liability company are designed only to notify the State and third parties that the limited liability company exists and how to contact it. The details about the limited liability company will be contained in the limited liability company agreement.

(d) Right To Direct. A person’s right to direct and oversee the activities and affairs of the limited liability company will be determined by the limited liability company agreement. If the limited liability company agreement is silent, the members will direct and oversee the activities and affairs of the company.

(e) Right to Bind. There is no statutory authority to bind. Rather, a person’s authority to bind the limited liability company will be governed by the limited liability company agreement and the law of agency.

(f) Purposes. The rules governing limited liability companies are phrased in terms of “activities and affairs,” reflecting the fact that limited liability companies can be used for purposes other than carrying on a business (e.g., holding title to property, estate planning).

(g) Series. Series provisions are provided throughout the act in an effort to accommodate the appearance of series rules in many other state limited liability company laws. The act permits a limited liability company to establish, by way of its certificate of formation and its limited liability company agreement, one or more designated series of assets with which certain members may be associated. It is intended that the assets of a series not be liable for the obligations of the limited liability company or another series.

3. Alabama Uniform Partition of Heirs Property Act

This Act was passed in 2014 and became effective January 1, 2015. It is codified as Chapter 6A of Title 35 of the Code of Alabama. The Uniform Partition of Heirs Property Act addresses a problem faced by many middle to low-income families who own real property: dispossession of their land through a forced sale. For many of these families, real estate is their single most valuable asset.
In summary, the Uniform Partition of Heirs Property Act preserves the right of a cotenant to sell his interest in inherited real estate, while ensuring that the other cotenants will have the necessary due process to prevent a forced sale: notice, appraisal, and right of first refusal. If the other cotenants do not exercise their right to purchase property from the seller, the court must order a partition-in-kind if feasible, and if not, a commercially reasonable sale for fair market value.

Section 7 of this act, concerning cotenant buyout, has been extensively revised from the uniform act. Likewise, Section 10 of this act, concerning sales, has been extensively revised from the uniform act. This section has been revised to clarify that when a court orders a sale it can be conducted by one of several specific methods which are listed. The court can choose the method more economically advantageous to the cotenants as a whole.

This act supplements Chapter 6 of Title 35 of the Code of Alabama which continues to apply to partition of all property not deemed to be heir property. This act is effective for partition actions filed on or after January 1, 2015.

4. **Amendments to Title 10A: Merger and Conversion Provisions**

This Act was passed in 2014 and became effective July 1, 2014. In 2011, the new Alabama and Nonprofit Entities Code became effective. Since that time the Institute created the Standing Committee on Business Entities to continuously address amendments to improve the operation of Alabama’s business formation and governance laws.

These revisions to the merger and conversion portions contained in Chapter 1 of the Alabama Business and Nonprofit Entities Code improve the operation of the laws related to the conversion and merger of business entities.
5. **Constitutional Revision Commission**

Commission Chair: Governor Albert Brewer  
Vice Chair: Representative Paul DeMarco

In 2011, the Legislature passed Act 2011-197 which created the Constitutional Revision Commission. The Commission was charged with completing an Article by Article Plan for revising the 1901 Alabama Constitution. The act further directed the Alabama Law Institute to staff the Commission. The plan was as follows:

- **Year 2011**
  - Article XII  Private Corporations
  - Article XIII  Banking
  - Remove unconstitutional racist language throughout

- **Year 2012**
  - Article III  Distribution of Powers
  - Article IV  Legislative Department
  - Article IX  Representation

- **Year 2013**
  - Article I  Declaration of Rights
  - Article V  Executive Department
  - Article XIV  Education

- **Year 2014**
  - Article VII  Impeachments
  - Article X  Exemptions
  - Article XVII  Miscellaneous

*Taxation was specifically excluded*

Commission members were appointed by Governor Bentley, Senate Pro Tem Marsh and Speaker Hubbard with the Chairs of the House and Senate Judiciaries and Constitution Committees as Ex-officio Members.
6. **10A Name Reservation**

   This act was passed in 2013 and became effective August 1, 2013. It amended Article 5, Division A of Chapter 1 of Title 10A of the Code of Alabama.

   This act amended the Hub provisions of the Business and Entities Act to make name reservation a mandatory and universal process for all entities, including covering foreign entities. It extended the effectiveness of name reservations to one year. It deleted sections 10A-1-5.21through 10A-1-5-25 (Division C) relating to name reservations of a foreign filing entity.

7. **Study Committee on Campaign Finance Reform**

   In 2012, the Legislature passed Act 2012-358 creating the Study Committee on Campaign Finance Reform.

   The committee was charged with studying Alabama’s Fair Campaign Practices Act and making recommendations on its improvement. At the request of the Chairpersons, the Law Institute served as research and drafting staff to the committee.

   In 2013, the committee made numerous recommendations to the Legislature which were ultimately passed as part of Act 2013-311.

   As part of its support of this committee, the Institute in conjunction with the Secretary of State and Alabama State Bar facilitated numerous training seminars to educated public officials, candidates and the public on these significant changes to the law.

8. **Unitrust**

   This act was passed in 2013 and became effective August 1, 2013. It amended the Alabama Prinicpal and Income Act codified in Chapter 3A of Title 19 of the Code of Alabama.

   Under federal law, a state is authorized to permit a trust to provide for an alternative for reasonable apportionment between
the income and remainder beneficiaries of the total return of the trust. This type of provisions is commonly referred to as a “unitrust.” The unitrust amount is determined by applying a fixed unitrust percentage to the net fair market value of the trust assets. For this purpose, net fair market value is determined by reducing the fair market value of the assets by the liabilities of the trust.

The Act updated the Alabama Principal and Income Act to allow trusts to be established initially as unitrusts and also provided procedures for existing trusts to be converted into unitrusts.

9. **Uniform Commercial Code**
   **Article 4A Amendments**

   This act was passed in 2013 and became effective August 1, 2013. It amended § 7-4A-108 of the Code of Alabama.

   The Dodd-Frank Wall Street Reform and Consumer Protection Act is an amendment to the Federal Electronic Funds Transfer Act (EFTA) that will have an important impact on the scope of Article 4A of the Uniform Commercial Code. Presently Article 4A does not apply to a funds transfer any part of which is governed by EFTA. The implementing regulations for the federal act were published in the Federal Register in November 2011, with a delayed effective date of the rules to February 2013, expressly to permit changes to UCC 4A so it might continue to govern aspects of some remittance transfers. Absent a change to Article 4A, there could be legal uncertainty for a class of remittance transfers currently governed by Article 4A. The Permanent Editorial Board for the Uniform Commercial Code has recommended an amendment to §4A-108 and its comments. Both the American Law Institute and the Uniform Law Commission have approved the amendment.

   UCC Article 4A was originally drafted to govern transfers between commercial parties. At the time of drafting, the EFTA governed only consumer wire transfers. UCC §4A-108 was drafted with that in mind. When the amendment to EFTA goes into effect in 2013, EFTA will govern “remittance transfers”, whether those remittance transfers are also “electronic fund transfers” as defined
in EFTA. Thus, when the amendment and its implementing regulation go into effect, the result of UCC §4A-108 in its present form will be that a fund transfer initiated by a remittance transfer will be entirely outside the coverage of Article 4A, even if the remittance transfer is not an electronic fund transfer (not a consumer remittance transfer). Thus a number of important issues in those remittance transfers will be governed neither by Article 4A or the EFTA.

The amendment revised UCC §4A-108 to provide that Article 4A does apply to a remittance transfer that is not an electronic funds transfer under the EFTA. The amendment then restated the rule of the supremacy clause that the federal statute controls in the case of any conflict between UCC Article 4A and the EFTA.

10. **Alabama Uniform Collaborative Law**

This act was passed in 2013 and became effective January 1, 2014. It is codified as § 6-6-26 of the Code of Alabama.

The Uniform Collaborative Law Rules/Act (UCLR/A), was originally promulgated by the Uniform Law Commission as an act in 2009 and subsequently amended in 2010. The 2010 Amendments to the Uniform Collaborative Law Rules/Act created an explicit mechanism for the operative provisions of the act to be adopted in rule, rather than statute, thereby giving the state the option of the method for adoption. Alabama chose a hybrid position. The majority of the provisions were being presented as statutes to the Legislature for their consideration. However, several of the provisions that are more suited to adoption by rule were omitted and will be left to court rule. The act also provided states with the option to either limit application of the act to family law matters or to not impose such a limitation. Alabama chose to limit the application of the act to family law matters, but did broaden the application to family law matters in Probate Court, such as guardianships.

Collaborative law is a voluntary, contractually based alternative dispute resolution process for parties who seek to negotiate a resolution of their matter rather than having the matter
decided by a court. Under the provisions of the act the lawyers and clients agree that the lawyers will represent the clients solely for purposes of settlement, and that the clients will hire new counsel if the case does not settle. The parties and their lawyers work together to find an equitable resolution of a dispute, retaining experts as necessary. No one is required to participate, and parties are free to terminate the process at any time.

The basic ground rules for collaborative law are set forth in a written agreement (“collaborative law participation agreement”) in which parties designate collaborative lawyers and agree not to seek a judicial resolution of a dispute during the collaborative law process. The parties agree that they have a mutual right to terminate collaborative law at any time without giving a reason.

The act mandated essential elements of a process of disclosure and discussion between prospective collaborative lawyers and prospective parties to better insure that parties who sign participation agreements do so with informed consent. It required collaborative lawyers to make reasonable inquiries and take steps to protect parties against the trauma of domestic violence.

Specifically, the act:
1. applied only to collaborative law participation agreements that meet the requirements of the act;
2. established minimum requirements for collaborative law participation agreements;
3. specified when and how a collaborative law process begins and is concluded;
4. created a stay of proceedings when parties sign a participation agreement to attempt to resolve a matter related to a proceeding pending before a court while allowing the court to ask for periodic status reports;
5. made an exception to the stay of proceedings for emergency orders to protect health, safety, welfare or interests of a party or child of a party;
6. required parties to voluntarily disclose relevant information during the collaborative law process without formal discovery requests and update information previously disclosed that has materially changed; and,

7. authorized judicial discretion to enforce agreements that result from a collaborative law process.

11. **Uniform Principal and Income Act**

This act was passed in 2012 and became effective January 1, 2013. It is codified as Chapter 3A of Title 19 of the Code of Alabama.

The Uniform Principal and Income Act provided the procedures for trustees administering an estate in separating principal from income. It was originally promulgated by the Uniform Law Commissioners in 1931 and has been revised or amended several times subsequent to the initial act. Alabama’s current law was passed in 2000 and is codified at Code of Alabama section 19-3A-101 et. seq. The basic purpose of the act, like the earlier versions, was to ensure that the intention of the trust creator is the guiding principle for trustees.

This revision continued to distinguish between property that is principal, which will be distributed to remainder beneficiaries (persons entitled to receive principal when an income interest ends), and property that is income, distributed to income beneficiaries. The Uniform Act has always provided the default rules for such allocations in the event the trust investment is silent. These amendments updated the traditional income and allocation rules so that they can work with the doctrine of modern investment theory.

Improvement to the Uniform Principal and Income Act made by the amendments are as follows:

1. updated the act to reflect current policy of the Internal Revenue Service and clarified technical language regarding withholdings;
2. clarified allocations of acquired assets, such as those from corporate distributions;

3. included an “unincorporated entity” concept to deal with businesses operated by a trustee, including farming and livestock operations, and investment activities in rental real estate, natural resources, and timber;

4. added a provision which deals with the problem of disbursements made because of environmental laws;

5. the changes consider the principles in Uniform Prudent Investor Act (adopted by Alabama, Code of Alabama section 19-3B-901 et. seq.), especially the principle for investing for total return instead of for a certain level of income;

6. provided the power to make adjustments between principal and income to correct inequities caused by tax elections or peculiarities in the way the fiduciary income tax rules apply; and

7. provided the uniformity of law, necessary in an interstate investment environment.

12. Uniform Foreign-Country Money Judgments Recognition Act

This bill was passed in 2012 and became effective January 1, 2013. It is codified as § 6-9-250 of the Code of Alabama.

The Uniform Foreign-Country Money Judgments Recognition Act is a revision of the Uniform Foreign Money Judgments Recognition Act of 1962, which codified the most prevalent common law rules with regard to the recognition and enforcement of money judgments rendered in other countries. Under the 1962 Act, a state was required to recognize a foreign-country money judgment if the judgment satisfied the standards for recognition set out in the Act.
Since its promulgation more than 40 years ago, the 1962 Act has been adopted in a majority of the states. Alabama adopted the 1962 Act in 1986 and it is codified at Code of Alabama sections 6-9-232 et. seq. The prior law was generally viewed as successful in carrying out its purpose of establishing clear and uniform standards under which state courts enforce the foreign money judgments that came within its scope.

However, in spite of the similarities in titles, these acts deal with quite different problems of judgment enforcement. The Enforcement of Foreign Judgments Act provided for enforcement of a state court judgment in another state to implement the Full Faith and Credit clause of the U.S. Constitution. The Foreign-Country Money Judgments Recognition Act provided for enforcement of foreign country judgments in a state court in the United States.

The increase in international trade in the United States has also meant more litigation in the interstate context. This means more judgments to be enforced from country to country. There is a strong need for uniformity between states with respect to the law governing foreign-country money-judgments. If foreign country judgments are not enforced appropriately and uniformly, it may make enforcement of the judgments of American courts more difficult in foreign country courts.

Thus, it was necessary to update the 1962 Act to make it timely because of the continuing increase in international trade and the need to make Alabama a recognized forum for international business.

Highlights of the Revised Act include:

1. provided simple court procedures for the enforcement of foreign-country money judgments;
2. closed the gaps in the 1962 Act;
3. addressed burdens of proof of the parties which is not covered in the current law;
4. revised the grounds for denying recognition of foreign-country money judgments;

5. established a statute of limitations for recognition actions;

6. provided clear and certain rules for obtaining foreign-country money judgments; and

7. provided a better response to the current conditions of international trade.

13. **Uniform Interstate Depositions and Discovery Act**

This bill was passed in 2012 and became effective January 1, 2013. It is codified as § 12-21-400 of the Code of Alabama.

The Uniform Interstate Depositions and Discovery Act addressed the need for an efficient and inexpensive procedure that would allow litigants to depose individuals and conduct discovery in a state other than the trial state.

Under the act, litigants can present a clerk of the court located in the state where discoverable materials are sought with a subpoena issued by a court in the trial state. Once the clerk receives the foreign subpoena, the clerk will issue a subpoena for service upon the person or entity on which the original subpoena is directed. For example, an Alabama litigant would be able to obtain service of a subpoena on a party in a neighboring state. The terms of the issued subpoena must incorporate the same terms as the original subpoena in Alabama and contain the contact information for all counsel of record and any party not represented by counsel.

The Uniform Act improved current state procedures in the following ways:

1. provided an efficient procedure for the clerk of court in the discovery state to follow;

2. decreased the cost by eliminating the need for out-of-state litigants to obtain local counsel in the discovery state;
3. decreased the need for judicial oversight since under the act there is no need to present the matter to a judge in the discovery state before a subpoena can be issued;

4. clarified that discovery permitted by the Act must comply with the laws of the discovery state.

5. recognized that the discovery state has a significant interest in protecting its residents who become non-party witnesses in an action pending in a foreign jurisdiction from unreasonable or burdensome discovery requests; and

6. specified all motions to quash or modify a subpoena must comply with the law of the discovery state.

14. **Share Exchange Act**

This act was passed in 2012 and became effective upon the Governor’s signature on May 23, 2012. It amended § 10A-2-11.02 of the Code of Alabama.

Act 2012-563 provided for a share exchange between two corporations whereby a corporation may acquire all of the outstanding shares of one or more classes or series of stock of another corporation.

15. **Uniform Durable Power of Attorney Act**

This act was passed in 2011 and became effective January 1, 2012. It is codified as § 26-1A-101 et. seq. of the Code of Alabama.

This act revised the former Durable Power of Attorney law. § 26-1-2. It followed the Uniform Power of Attorney Act drafted by the Uniform Law Commission in 2006.

Under prior law, one must designate the power of attorney as “durable” for the power to remain in effect when the maker subsequently becomes incompetent. The prior default rule was for powers of attorney to be void when the maker becomes
incompetent unless the power of attorney specifically makes it durable. This act reversed the default to make all powers of attorney “durable” unless they specifically provide otherwise.

This act is prospective only in application. Prior § 26-1-2 will continue to govern all powers executed prior to the effective date of the new act. Furthermore, the prior durable attorney law and this act do not include healthcare decisions. Healthcare powers are governed by § 26-1-2.1 which will carry forward prior law as it relates to healthcare powers.

The act offered clear guidelines for the agent. It provided:

1. An agent who acts with care, competence, and diligence for the best interest of the principal, is not liable solely because he or she also benefits from the act or has conflicting interests.

2. Methods for the agent to give notice of his or her resignation if the principal becomes incapacitated.

The act encouraged acceptance of a power of attorney by third parties by:

1. Providing broad protections for the person who accepts or refuses a power of attorney without actual knowledge that the power of attorney is invalid or has been terminated.

2. Offering an additional protective measure for the Principal by providing that third persons may refuse the power if they have the belief that “the Principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the Agent or person acting for or with the Agent, and make a report to the appropriate adult protection service agency.”

3. Providing an optional statutory form for granting a durable power of attorney.
16. **Alabama Rule Against Perpetuities**

This act was passed in 2011 and became effective January 1, 2012. It is codified as § 35-4A-1 et. seq. of the Code of Alabama.

Alabama was the last of the fifty states to have the original common law rule against perpetuities in full force and effect. This distinctiveness was heightened because Alabama imposed by statute the rule upon personal property and land. (See, Alabama Code of 1975 § 35-4-4). Simply stated, the common law rule provided that no future interest was good unless it must vest, if at all, no later than twenty-one years after a life in being at the creation of the interest.

Under the common law rule, any violation of the rule results in the transfer at issue being void. The rule can cause harsh results for two reasons. First, even a hypothetical violation of the rule, no matter how improbable, voids the transfer. Second, if the transfer is to a class of persons and even one has the potential of vesting outside the permissible time period, the transfer to all members of the class is void.

The Uniform Statutory Rule adopted a “wait-and-see” approach. This means that rather than a transfer becoming void because of a possible violation of the rule, the Uniform Statutory Rule provides a period of time within which an interest can vest. If vesting occurs, the transfer is saved, if not, then it is invalid. This period of time in this act is one hundred years.

Next, the Uniform Statutory Rule allowed for a court to reform a transfer which violated the rule. This means that if the transfer does not vest within the one hundred year time period allowed, an interested person can petition a circuit court to reform the transfer in a manner that would allow it to occur and which most approximates the will of the grantor.

There are a number of exceptions to the rule contained in the act as well. These include transfers which are business transactions and those related to charities. There is also an
exemption which provides for a 360 year “wait-and-see” period for trusts which are governed by the laws of Alabama in which the trustee has the power to sell, lease or mortgage all of the property which is held in trust.

This act in essence continues the public policy goal of preventing perpetual non-vested interests in a manner which is more practical, less onerous, and less likely to result in harsh outcomes for the unsuspecting.

17. Alabama Unsworn Foreign Declarations Act

This act was passed in 2011 and became effective January 1, 2012. It is codified as § 12-21-80 et. seq. of the Code of Alabama.

Declarations of persons abroad are used for numerous reasons in Alabama courts and administrative proceedings. The prior acceptable form of such declarations in Alabama was an affidavit sworn to in the presence of a notary public.

In recent years, access to United States Embassies and Consulates has become more difficult because of closing and added security. This has made the obtaining of appropriately sworn foreign declarations more difficult.

The Uniform Unsworn Foreign Declarations Act (UUFDA) allows for the use of declarations made by persons outside the territorial boundaries of the United States which are signed under penalty of perjury, but are not sworn to in the presence of a notary public. The act excluded from its application declarations for depositions, oaths of office, oaths related to self proving wills, declarations recorded under Title 35, oaths required to be given before specified officials other than a notary, and powers of attorney.

Federal Courts have allowed the flexibility of using unsworn declaration for many years. Since 1976, federal law has allowed an unsworn declaration to be recognized and valid as the equivalent of a sworn affidavit if it contained an affirmation substantially in the form set forth in the federal act.
18. **Alabama Revised Notary Act**

This act was passed in 2011 and became effective January 1, 2012. It is codified as § 36-20-70 et. seq. of the Code of Alabama.

Alabama’s Notary Laws were amended in 1987. Subsequently, a number of the provisions had become outdated. Examples of outdated provisions were the requirement that a notary seal must leave an impression by embossing; limiting notaries to one county and low bond limits.

These amendments changed the law in four ways:

- First, the amendments allowed for the use of a stamped seal. This results in the seal on documents which are filed or stored electronically to show up better after scanning.

- Second, all new notaries and renewals are for a statewide commission. Prior law allowed for a notary to be either for one county or statewide. At the time of the passage of the amendments, there were more than 50,000 active notaries and only 14 were limited to one county.

- Third, these amendments removed the statutory requirement for notaries to keep a journal of their notarial acts and to file them in probate court.

- Fourth, this act increased the bond a notary must hold from $10,000 to $25,000.

Notaries in existence at the passage of the bill remain valid and unchanged until renewed. These amendments make no changes for Alabama International Notaries or Civil Law Notaries.


**2006-2010 Quadrennium**

19. **Uniform Adult Guardianship Jurisdiction Act**

This act was passed in 2010 and became effective January 1, 2011. It is codified as Sections 26-2B-101-503.

The current Guardianship and Protective Proceedings Act was passed by Alabama in 1987 and was based on the Uniform Act at the time.

With population mobility, cases involving simultaneous and conflicting jurisdiction over child custody increased to the point that Alabama passed the Uniform Child Jurisdiction Enforcement Act in 1999 to clarify the law concerning child custody when the parents are in different states.

This same jurisdictional problem existed for adult guardianships of aging parents as with children living in different states. Guardians are regularly appointed by courts to care for an aging adult in one state, then the individual moves to a second state. Sometimes guardianships must be initiated in a second state because of the refusal of financial institutions, care facilities, and the courts to recognize a guardianship or protective order issued in a second state.

This act provided an effective mechanism for resolving multi-jurisdictional disputes.

This law is organized into articles.

Article 1 - General Provisions - contains definitions and provisions designed to facilitate cooperation between courts in different states.

Article 2 - Jurisdiction - specifies which court has jurisdiction to appoint a guardian or conservator. Its overall objective is to have jurisdiction in only one state except in cases of an emergency or in situations where the individual owns property located in multiple states.
Article 3 - Transfer of Guardianship or Conservatorship - specifies a procedure for transferring guardianship or conservatorship proceedings from one state to another.

Article 4 - Registration and Recognition of Orders From Other States - addresses enforcement of guardianship and protective orders in other states.

The Uniform Adult Guardianship Jurisdiction Act clarified many guardianship issues including, registration and transfer, for out-of-state cases. The procedures in the act help reduce the cost of guardianship and protective proceedings from state to state.

20. **Uniform Child Abduction Prevention Act**

This act was passed in 2010 and became effective January 1, 2011. It is codified as Section 30-3C-1-13.

While prior Alabama law addressed initial child custody determination as well as criminal repercussions for child abductions, this act clarified the procedure for courts to follow to protect the child and all parties.

In 1999, Alabama passed the Uniform Child Custody Jurisdiction and Enforcement Act. This act complimented that act including the temporary emergency jurisdiction available for minors.

The act also addressed special problems involved in international child abduction. These include risk factors related to whether the party is likely to take the child to a country that is not a party to the Hague Convention on the Civil Aspects of the International Child Abduction or to a country that is on a current risk of state sponsors of terrorism or engaged in active military war.

If an abduction appears imminent, the court may issue a warrant to take physical custody of the child, direct law enforcement officers to take steps to locate and return the child or exercise other appropriate powers existing under state law.
21. **Alabama Trademark Act Amendments**

This act was passed in 2010 and became effective January 1, 2011.

Rather than fully replace the current Alabama Trademark Law, the Alabama Trademark Act, Chapter 12 of Title 8 of the Code of Alabama, was amended to add concepts from the Model State Trademark Act which improve existing law. The general areas improved were: dilution; the term for the trademark registration period; the classification system; and the remedies available for infringement.

Alabama retained the ability to register a trade name in addition to a trademark.

22. **Redemption of Ad Valorem Tax Sales**

This act was passed in 2009 and became effective September 1, 2009.

When Section 40-10-122 was amended in 2002 to limit 12% interest paid at tax sale to taxes and on the overbid up to 15% of assessed value, other sections of the law should have been amended. This act clarified and codified the existing law by amending other relevant code sections concerning the redemption of property from ad valorem tax sales. It also codified case law on redemption and delineated the counties’ responsibility with regard to holding and refunding an “overbid” by the tax sale purchaser who paid all taxes, fees and charges and any additional sums paid to the tax collector.

The act also:

1. Provided a procedure for redemption by the landowner from multiple tax sales.

2. The owner who remains in possession after the sale may always redeem. (The owner has a statutory redemption period for 3 years from sale; there is an additional 3 years redemption
period by the owner from the purchaser after the original 3 year statutory redemption period.)

3. Allowed the tax status for Class 3 property to remain to be taxed as Class 3 residential property so long as the owner occupies the property.

4. After three years from the date of the tax sale, the probate judge must receive proof that all ad valorem taxes have been paid before a tax deed is issued.

5. Provided a less complicated procedure for redeeming property sold at a tax sale.

23. **Revised Uniform Limited Partnership Act**

This act passed in 2009 and became effective January 1, 2010 for new Limited Partnerships. After January 1, 2011, the act governed all Limited Partnerships as a part of the Business and Nonprofit Entities Code. The act is codified in Title 10A, Chapter 9 of the Code of Alabama.

This revision updated the Limited Partnership Act to reflect modern business practices. The prior law had been revised in 1983. Limited partnerships are now used primarily in two ways: for family limited partnerships in estate planning arrangements, and for highly-sophisticated, manager controlled limited partnerships.

A limited partnership is distinguished from a general partnership by the existence of limited partners who invest in the partnership; in return for limited liability, the limited partner usually relinquishes any right of control or management of partnership affairs. However, the general partner of a limited partnership traditionally receives no direct liability protection.

This act provided:

- Perpetual Entity. No termination unless the agreement so provides. A limited partner leaving does not dissolve the entity.
· Entity Status. A limited partner is clearly an entity.

· Convenience. The act provided a single, self-contained source of statutory authority for issues pertaining to limited partnerships, no longer dependent upon the general partnership law for rules that are not contained within it.

· LLLP Status. Under this act, limited partnerships may opt to become limited liability limited partnerships (LLLP), simply by so stating in the limited partnership agreement, and in the publicly filed certificate. The primary reason for a limited partnership to elect LLLP-status is to provide direct protection from liability for debts and obligations of the partnership to the general partner of the limited partnership.

· Liability Shield. In the prior limited partnership law, it provided only a restricted liability shield for limited partners. This act provided a full, status-based shield against limited partner liability for entity obligations. The shield applied whether or not the limited partnership is an LLLP.

· Express Default Statute. The act provided default provisions between the partners and between partners and the partnership. Therefore, when the partnership agreement does not define the relationship, there is a fall-back default law.

The act also addressed issues such as allocating power between general partners and limited partners; and setting fiduciary duties owed by general partners to other general and limited partners.

24. Business and Nonprofit Entities Code

This law was passed in 2009 and became effective January 1, 2011. This act is codified as Title 10A Code of Alabama.

This act is a reorganization of the business and non profit laws much like the revision in 2007 of the Election Code. There were no substantive changes except when there currently exist conflicts between entities.
The Code is organized on a “Hub and Spoke” model in Title 10. Article 1, constituting the “Hub,” consists of provisions applicable to each of the various business entities. The remaining Articles of the “Spokes” of the Act and are the individual entities, such as the Business Corporation Act. When possible, each entity retains its prior Chapter designation in the “Spoke.” For example, business corporation provisions formerly were in Chapter 2 and are in Chapter 2 of the act. This will make it easier to find for those familiar with the prior law.

Corporation, Nonprofit, Partnership, Limited Partnership, LLP, LLC, and numerous other entity laws were passed over the past 10 to 50 years with little regard as to the relation of similar, different or even conflicting provisions in one law to another. Businesses, in particular small business, may have multiple entities for ownership of their property and running their business. This requires knowledge by the owner and their attorney of each type law. Otherwise, these subtle differences become a trap for the unwary.

In May 1999, a committee of the Law Institute began its study of all the business entities in Alabama to clear up inconsistencies between the entities that are a trap for lawyers and those with multiple entity organizations. The committee first drafted the Alabama Entities Conversions and Mergers Act for all entities. The act passed the legislature in 2000 and is in Ala. Code 10-15-1 et seq. Nine years later, with over 50 meetings held, the Institute drafting committee completed its study by top lawyers in the state who donated over $2 million of their legal services.

The purpose of this Code is primarily non-substantive. It is to make the law encompassed by this Title more accessible and understandable by:

1. rearranging the kinds of business and non-business organizations and the statutes applicable to them into a more logical order by a non-substantive revision of analogous or comparable provisions found in the prior Alabama Business Corporation Act, Alabama Non-Profit Corporation Act, Alabama Limited Liability Company Act, Alabama Revised Partnership Act, Alabama Revised Limited Partnership Act, Alabama Real
Estate Investment Trust Act, Alabama Professional Associations Act, Alabama Professional Associations Act, and other existing provisions of Alabama statutes governing domestic and foreign business and non-profit entities;

(2) employing a format and numbering system designed to facilitate access to and citation of the law and to accommodate future expansion of the law;

(3) eliminating repealed, duplicative, expired, executed, and other ineffective provisions; and

(4) restating the law in modern language to the greatest extent possible.

The reorganization is as follows:

Chapter 1  General Provisions
Chapter 2  Alabama Business Corporation Act
Chapter 3  Non-Profit Corporation Act
Chapter 4  Alabama Professional Corporations Act
Chapter 5  Alabama Limited Liability Company Act
Chapter 8  Alabama Revised General Partnership Act
Chapter 9  Alabama Revised Limited Partnership Act
Chapter 10  Alabama Real Estate Investment Trust Act
Chapter 11  Employee Cooperative Corporations
Chapter 16  Business Trusts
Chapter 17  Alabama Unincorporated Nonprofit Corporations
Chapter 20  Special Purpose Entities
Chapter 30  Provisions for Entities that can no longer be formed:

Alabama Professional Associations Act and Close Corporations

Chapter 1, General Provisions, concerns: Definitions, application, and purposes; purpose and powers of a domestic entity; formation and governance; filings; names of entities, registered agents, and registered offices; indemnification and insurance; foreign entities; conversions and mergers; and winding up and termination of a domestic entity.
Chapter 2, Alabama Business Corporation Law and applicable portions of Chapter 1, concerns: General provisions; formation and governing documents; purpose and powers; shares and distributions; shareholders; directors and officers; amendment of articles of incorporation; merger and share exchange; sale or mortgage of assets; dissenter's rights; dissolution; foreign corporations; records and reports; and application.

Chapter 3, Alabama Nonprofit Corporation Law and applicable portions of Chapter 1 concerns: General provisions; substantive provisions; formation of nonprofit corporations; amendments; mergers and consolidation; sale of assets; dissolution; and miscellaneous provisions.

Chapter 4, Alabama Professional Corporation Law and applicable portions of Chapter 1, concerns: General provisions; purposes, powers, and organization; shareholders; directors and officers and professional liability; special provisions as to amendments, merger, and consolidation; regulation of professional corporations, foreign professional corporations, and application to existing corporations; and limited liability corporations.

Chapter 5, Alabama Limited Liability Company Law and applicable portions of Chapter 1, concerns: General provisions; formation; relationship of members and managers to third parties; relationship among members; contributions and distributions; transfer of membership interest; dissolution; and professional services.

Chapters 6 and 7 were reserved for future legislation.

Chapter 8, Alabama General Partnership Law, and applicable portions of Chapter 1, concerns: General provisions; nature of partnership; relations of partners to persons dealing with partnerships; relations to partners to each other and to partnership; transferees and creditors of partners; partners' dissolution; partners' dissolution when business not wound up; winding up partnership business; registered limited liability partnerships; and miscellaneous provisions.
Chapter 9, Alabama Limited Partnership Law and applicable provisions of Chapter 1, concerns: General provisions; certificate of limited partnership; limited partners; general partners; finance; distributions and withdrawals; assignment of partnership interests; dissolutions; derivative actions; and miscellaneous provisions.

Chapter 10, Alabama Real Estate Investment Trust Law and applicable provisions of Chapter 1, concerns: Form; compliance; declaration of trust; classification of shares; removal of trustee powers; investment and use; annual report; inspection of records; filing fees; amendment of declaration; merger; dissolution; liability of trust, shareholders, and trustees; service of process; income tax; and treatment.

Chapter 11, Alabama Employee Cooperative Corporations Law and applicable provisions of Chapter 1, concerns: Election as employee cooperative and revocation of election; corporate names; members, membership shares, rights, and responsibilities; directors and officers; voting power, amendment of bylaws, protection of shareholders; apportionment of earnings and losses; internal capital accounts; internal capital account cooperatives; and conversion of membership shares and merger of employee cooperatives.

Chapters 12, 13, 14, and 15 were reserved for future legislation.

Chapter 16, Business Trusts, concerns: Establishment and purpose; powers and liabilities of trustees and liability of trust; certificate of ownership and liability of beneficial owners; contents and recordation of declaration of trust; duration and suits against trust; and attachment and execution.

Chapter 17, Alabama Unincorporated Nonprofit Association Law and applicable provisions of Chapter 1, concerns: Governance; association as legatee, devisee, or beneficiary; statement of authority; liability in tort and contract; capacity to assert and defend and standing effect of judgment or order; disposition of personal property of inactive or dissolved association; appointment of agent; claims, venue, and service; transition; and acts not repealed, saving clause, and uniformity of application.

Chapters 18 and 19 were reserved for future legislation.
Chapter 20, Special Purpose Entities, concerns: Bishop of diocese; churches, public societies, and graveyard owners; conferences of ministers; state conventions and association of churches; educational institutions; health care service plans; industrial development corporations; local fraternal orders; single tax and mutual economic associations; private foundations; charters of medical, dental, pharmaceutical, or similar associations; charters of corporations not of a business character; retail merchants' associations, wholesale merchants' associations; water and power companies; and liability of officers of nonprofit organizations.

Chapter 21, Certain Powers, Rights, and Duties of Corporations, concerns: Corporate political contributions; corporate powers of eminent domain; and prosecution of corporations.

Chapters 22 to 29, inclusive, were reserved for future legislation.

Chapter 30, Provisions Applicable to Existing Entities of a Type that May No Longer Be Formed, concerns: Unincorporated professional associations and close corporations.

25. **Electronic Recording of Real Estate Records**

This act was passed in 2009 and became effective January 1, 2010. However, before implementation by a county, uniform standards must still be established. It is codified as Title 35 of Chapter 4 of the Code of Alabama.

As a result of the enactment of the Uniform Electronic Transactions Act passed by the Alabama Legislature in 2001, it is now possible to have contracts in electronic form with electronic signatures of the parties. However, real estate transactions require another step not addressed by the e-sign law.

Real estate documents must be recorded in public records in order to provide notice of the current owner of the property. Real estate records establish a chain of title based on filing the original document, preserving it by copying it, and recording the document in the probate office.
This act accomplished essentially 3 things:

1. Equated electronic documents and electronic signatures to original paper documents and manual signatures. Thus, any requirements for original paper documents or manual signatures are satisfied by an electronic document and signature. The process is essentially a scan-in of the document and electronic filing by email.

2. Established that electronic filing and storage of electronic records is purely an opt-in option by probate offices in each of the 67 counties and does not mandate them. Those electing to have electronic recording will be able to do so while maintaining the procedure for walk-up filing of paper documents.

3. Established a board to set uniform standards for filing electronically in every probate office that elects to opt-in to utilize electronic filing. This 13 person board consists of probate judges, lawyers, and other officials that have an interest in the recording process.

26. **Uniform Prudent Management of Institutional Funds Act**

   This act was passed in 2008 and became effective January 1, 2009. It is codified as Chapter 3C of Title 19 of the Code of Alabama.

   The Act governed investment of the funds of charitable organizations and total return expenditure of those funds. It established a prudent management investment policy that was derived from the Uniform Prudent Investor Act that applies only to trusts which were passed in Alabama in 2006. It also provided for a delegation of authority for investment to outside agents and reformation of donor restrictions (cy pres) on funds when they are so outdated that the original objective can no longer be followed.

   The act:

   1. Made sure the best investment practices govern the actual investment of the institutional funds.
2. Changed obsolete rules governing prudent total return expenditure and provide a modern rule of prudence consistent with the rules that govern investment.

3. Eliminated differences in investment and expenditure rules that apply to different types of nonprofit organizations. The same rules govern all institutions under this act.

4. Encouraged growth of institutional funds while eliminating investment risks that threaten the principal.

5. Assured that there are adequate assets in any institutional fund to meet the program need.

6. Made the law governing institutional funds uniform in all states.

27. **Alabama Uniform Parentage Act**

This bill was passed in 2008 and became effective January 1, 2009. It is codified as Section 26-17-101 et. seq. of the Code of Alabama.

This act, which revised the Uniform Parentage Act of 1973, modernized the law for determining the parents of children and facilitated modern methods of testing for parentage. With the rising incidence of children born to unmarried parents, parentage determinations must be improved for the enforcement of child support. The Uniform Act was completed by the Uniform Law Commissioners in 2000 (and amended in 2002). This act repealed the prior parentage law, previously located at Ala. Code §§ 26-17-1 through 22.

There are seven substantive articles. Alabama chose to omit the optional Article 8 concerning surrogacy agreements. Although including an Article 4, Alabama chose to retain the current Alabama Putative Registry law rather than follow the policy and procedure embodied in the Uniform Act.
• Article 1 - General Provisions

• Article 2 - Parent-Child Relationship

Determination of legal father.

The legal father may be one of the following: an unrebutted presumed father, a man who has acknowledged paternity under Article 3, an adjudicated father as the result of a judgment in a paternity action, an adoptive father or a man who consents to an assisted reproduction under Article 7.

• Article 3 - Voluntary Acknowledgment of Paternity

Provided a non-judicial, consent proceeding for acknowledgment of paternity.

The non-judicial acknowledgment of paternity proceeding under Article 3 of the new Uniform Act allows a knowing and voluntary acknowledgment of paternity that is the equivalent of a judgment of paternity for enforcement purposes. An acknowledgment from another state is given the privilege of full faith and credit in Alabama.

• Article 4 - Registry of Paternity

Continued Alabama’s current Putative Father’s Registry. Ala. Code § 26-10C-1.

• Article 5 - Genetic Testing

Established a separate procedure for genetic testing.

Standards for genetic testing are part of Article 5. The standard for a presumption of paternity as a result of testing is also established by statute. The measure is 99% probability of paternity based on appropriate calculations of “the combined paternity index.”

• Article 6 - Proceeding to Adjudicate Parentage
Governed the basic proceeding to determine parentage.

Under the new Uniform Act, the child, the mother of the child, a man whose paternity is to be adjudicated, DHR, an authorized adoption agency or licensed child-placing agency, a representative of a deceased, incapacitated or minor person, or “any interested person” have standing.

- Article 7 - Child of Assisted Conception

Dealt with parentage when there is assisted conception.

Generally, if a married couple consents to any sort of assisted conception and the woman gives birth to the resultant child, they are the legal parents.

28. **Revised Uniform Anatomical Gift Act**

This act was passed in 2008 and became effective November 1, 2008. It is codified as Article 9 of Chapter 19 of Title 22 of the Code of Alabama.

The revision provided:

- Donor’s consent (i.e., an individual’s anatomical gift of the their own organs, eyes, and tissue, to take effect at death) is substantially strengthened to bar others from amending, revoking, or refusing to honor a gift made by the donor.

- Absent a donor’s consent, gifts by family members are facilitated if the deceased has not acted to make a donation or specifically refuses to make an anatomical gift by:
  
  - Expanding those that can act to include a health care agent, grandchildren, and persons exhibiting special care;

  - Easing consent by enabling a majority of the children to decide;
• Eliminating the need for consent from individuals who are not “reasonably available”; and

• Clarifying the manner by which consent may be obtained.

• Specifically authorizes gifts on donor registries and state-issued identification cards.

• Registries are encouraged and standards are provided for their operations.

• Provides for cooperation and coordination between procurement organizations and medical examiners, particularly with regard to procurement from potential donors under the jurisdiction of the medical examiner.

• Remedies for intentional acts in violation of the Act are provided while retaining immunity for good faith acts under the Act.

• Harmonizes the Uniform Anatomical Gift Act with federal law, current technology and practice, and Advance Medical Directives.

29. **Estate Tax Apportionment**

This act was passed in 2007 and became effective January 1, 2008. It is codified as Section 40-15B-1 through 13 of the Code of Alabama.

The Internal Revenue Code places the primary responsibility of paying federal and state tax on the personal representative but does not direct from which beneficiary the taxes are to be paid. This is left to state law. Most states have an apportionment of tax law but formerly Alabama required the taxes to be taken from the residuary of the account unless the will directs otherwise.

This act applies only to:
(1) estates over 2 million dollars;
(2) where there is a will and the will does not enumerate who pays the taxes; or,
(3) to persons who die after January 1, 2008.

The act does not affect:

(1) The total amount of tax paid;
(2) estates with no will;
(3) estates less than 2 million dollars;
(4) charitable gifts;
(5) specifically willed gifts of personal property less than $100,000 to any person;
(6) specifically willed gifts of money less than $25,000 to any person;
(7) persons who are incompetent; or,
(8) any person who dies before January 1, 2008.

The act generally allowed taxes to be shared by beneficiaries proportional to the amount received when the testator does not direct otherwise.

30. **Uniform Environmental Covenants Act**

This act was passed in 2007 and became effective January 1, 2008. It is codified as Section 35-19-1 through 14.

This act was for the long-term enforcement of clean-up controls which will be contained in a statutorily-defined agreement known as an “environmental covenant” that is binding on subsequent purchasers of the property and filed in the local land records.

The fundamental purpose of this act was to remove various legal barriers to the use of environmental restrictions and lessen liability concerns of sellers and lenders associated with the redevelopment and sale of “brownfields.” At the same time, this requires state approval of the remediation and control plan and gives notice to surrounding landowners, local governments, and
other parties in interest. This act both protects human health and makes it economically feasible to reuse the property.

What the Act Does

1. Provides a legal mechanism for long term control of use and clean-up that allows some properties to be safely returned to use so that it may be bought and sold. Former real property law was inadequate. Various common-law doctrines and other legal rules often work against such long-term controls, a situation which undermines the use and marketability of contaminated property. Cleanup, if possible, would often cost much more than the market value.

2. Creates a statutory legal framework called an “environmental covenant.” Covenants are a means of creating restrictions on use of land. The act creates an environmental covenant for the specific purpose of controlling the use of contaminated real estate forever while allowing that real estate to be conveyed from one person to another subject to those controls. It does not affect the validity of prior recorded mortgages.

3. An environmental covenant is a specific recordable interest in real estate in response to environmental issues that arise under a federal or state law for the clean up of the property or closure of a waste management site. No environmental covenant is effective without the Alabama Department of Environmental Management’s signature. The covenant recites the controls and remediation requirements imposed upon the property. The rights under the covenant must be granted to a party. The covenant is perpetual unless limited in time within the instrument.

4. Two principal policies are served by environmental covenants:

   A. It ensures that land use restrictions, mandated environmental monitoring requirements, and engineering controls designed to control the potential environmental risk of residual contamination will be recorded in the land records and enforced over time.
B. It further allows the return of previously contaminated property to the stream of commerce. Under prior law, these properties did not attract interested buyers and remained vacant, blighted and unproductive. Large numbers of brownfields are unlikely to be successfully recycled until regulators, owners, responsible parties, affected communities, and prospective purchasers and their lenders become confident that environmental covenants will be properly drafted, implemented, monitored and enforced. This act is designed to encourage sale of property and re-use by offering a clear and objective process for creating, modifying or terminating environmental covenants and for recording these instruments which will appear in any title abstract for the property in question.

5. The act applied to both federal and state-led cleanups. It ensured that a covenant will survive despite tax lien foreclosure, adverse possession, and marketable title statutes. The act also provided detailed provisions regarding termination and amendment of covenants, and included provisions on dealing with recorded interests that have priority over the new covenant. Any party to the covenant and appropriate agencies may enforce the covenant. Further, the act offered guidance to courts confronted with a proceeding that seeks to terminate a covenant through eminent domain or the doctrine of changed circumstances.

6. The act did not supplant or impose substantive clean-up standards, either generally or in a particular case. The act assumed those standards will have been developed in the prior regulatory process. Despite best efforts, total cleanups of many contaminated sites are not possible, but property may be put to limited uses without risk to others. The act also does not affect the liability of principally responsible parties for the cleanup or any harm caused to third parties by the contamination - rather it provides a method for minimizing the exposure of third parties to such risks and for owners to engage in long-term cleanup mechanisms.
31. **Uniform Trust Code**

This act was passed in 2006 and became effective January 1, 2007. It is codified as Chapter 3B of Title 19 of the Code of Alabama.

The UTC is a default act. With only limited exceptions, a settlor may spell out in the trust’s terms how the trust is to be administered and distributed. The exceptions include the requirements for creating a trust and the rights of certain of a beneficiary’s creditors, such as a child support claimant, to reach the beneficiary’s interest in payment of a claim.

But for those settlors who have failed to so provide, the UTC contained a comprehensive set of rules. The Code contains provisions on the creation of trusts, their day-to-day administration, and their modification and termination. Included are such matters as the procedure for transferring administration to another state, the appointment, resignation, removal and compensation of a trustee, and the duties and management powers of a trustee.

The Alabama Uniform Trust Code is divided into twelve articles as follows:

**Article 1 - General Provisions and Definitions** does not address substantive topics, but deals with general provisions like definitions.

**Article 2 - Judicial Proceedings** deals with jurisdiction over a trust in any state. It asserts the important rule that a trust is not supervised by a court unless there is a proceeding by an interested person that invokes the jurisdiction of the appropriate court. The place of administration of the trust is the place generally where the trust is created and court has jurisdiction over the trustee and beneficiaries of that trust.

**Article 3 - Representation** deals with the rather complex issues of who may represent whom in transactions or proceedings...
relating to a trust. In part, this article sets out a series of specialized agency rules, answering the question of who may be the agent of whom. Some of it is fundamental, such as the clear rule that the trustee represents the beneficiaries of a trust. Some of it is common-sense, such as the rule that a guardian represents a ward or a conservator (if appointed) represents the estate of a ward. The most significant innovation is the provision for "virtual" representation. A minor, incapacitated person, unborn individual, or a person whose identity is not known, may be represented by and legally bound "by another having a substantially identical interest with respect to the particular question or dispute" to the extent there is no conflict of interest in that representation.

Article 4 - Creation, Validity, Modification and Termination of a Trust has a self-evident set of rules. A trust is created when property is transferred to a trustee with the intent to create a trust relationship. There must be a definite or identifiable beneficiary unless the trust is a charitable trust, a trust for animals (specially provided for as a kind of honorary trust), or a trust for a noncharitable purpose (also a kind of honorary trust). These kinds of honorary trusts, which have a limited life, legitimize honorary trusts that are not generally allowed under the common law. They are, therefore, an innovation in the Uniform Trust Code.

It is not necessary to have a trust instrument to create a trust. Oral trusts are allowed, but the standard of proof for an oral trust is the higher "clear and convincing evidence" standard. By not requiring a writing, the Uniform Trust Code avoids issues of electronic record and signature adequacy.

There are clear (default) rules that apply upon consent of the parties to the trust or that govern a court in modifying or terminating a trust. A court may apply the doctrine of cy pres to charitable trusts, when the charitable purpose is no longer attainable. A comparable larger charitable purpose may be selected.

Article 5 - Creditor's Claim, Spendthrift and Discretionary Trusts deals with creditor claims against the interests of a beneficiary or a settlor. "A spendthrift provision in a trust restricts a beneficiary's creditor from attaching the beneficiary's interest in
the trust until there is a distribution to the beneficiary. If there is no spendthrift provision, a creditor of a beneficiary may attach a distribution interest before it is distributed unless it is a discretionary trust, in which case attachment occurs when the discretion is exercised. A spendthrift provision is created simply by general reference to "spendthrift trust" in the trust instrument. A creditor may not compel a trustee to make a distribution to a beneficiary that is discretionary. A beneficiary who owes child support, spousal maintenance, or a creditor for services provided to protect the beneficiary's interest in the trust, cannot rely on spendthrift provisions in a trust to avoid attachment of that interest. Creditors of the settlor of a revocable trust may attach the corpus of the trust, but only a settlor's distribution interest in an irrevocable trust.

Article 6 - Revocable Trusts expressly recognizes the most popular, modern trust form for estate planning. A revocable trust is one in which the settlor retains the power to control, amend, or revoke the trust. Property held in trust reverts back to the settlor if it is revoked. The revocable trust today is used primarily as a will substitute to avoid probate. A trust is revocable unless a trust instrument expressly provides that it is irrevocable. While the settlor of a revocable trust yet lives and has capacity, the trustee owes its duties exclusively to the settlor. The settlor controls the rights of beneficiaries. If the settlor becomes incapacitated or dies, the beneficiaries control their rights under the trust and the duties of the trustee shift to the beneficiaries. The trust is no longer a revocable trust.

Article 7 - Office of Trustee deals with acceptance of the trust by the trustee, bond for the trustee, decision-making by co-trustees, and like matters. Perhaps the most important of the rules govern removal and compensation of the trustee. The settlor, a co-trustee, a beneficiary or the court on its own initiative may request that a trustee be removed. The grounds are breach of trust, lack of cooperation among co-trustees substantially impairing the administration of the trust, defects of the trustee that require removal in the best interests of the beneficiaries, or substantial change of circumstances. The trustee may be removed upon the request of all qualified beneficiaries if removal is in the best interests of the beneficiaries, is not inconsistent with trust purposes
and a successor trustee is available. A trustee is entitled to reasonable compensation. A court may review and change a trustee's compensation.

Article 8 - Duties and Powers of the Trustee articulates the basic fiduciary obligations of a trustee, except for those articulated in the Uniform Prudent Investor Act. The basic duty is the duty of loyalty, which requires the trustee to manage the trust solely for the beneficiaries and to avoid conflicts of interest between trustee's interests and beneficiaries' interests. If a trustee provides services to an investment company or investment trust in which the trust invests money pursuant to the Uniform Prudent Investor Act, conflict of interest is not presumed.

Other fiduciary obligations include the duty of impartiality, the obligation of prudent administration, the obligation to incur only reasonable costs, and the obligation to apply the trustee's special skills when there is reliance on those skills when the trustee is named. A trustee may delegate certain duties and powers, but is held to a prudent standard of appointment in so doing. An agent is held to the fiduciary standard of the trustee in accepting an appointment. Delegation has not generally been permitted under the common law, but is an important feature of the Uniform Prudent Investor Act. The Uniform Code provision is based on the one in the Uniform Prudent Investor Act. The delegation rules in both acts are an innovation in trust law.

A trustee generally has all the powers necessary to carry on the business of the trust. The Uniform Code contains an updated list of specific powers derived from the widely accepted Uniform Trustee's Powers Act.

Article 9 - Prudent Investor Rule. Alabama currently has a Prudent Investor Rule, enacted in 1989 and found in Ala. Code § 19-3-120.2. This was passed prior to the Uniform Rule now the law in thirty-eight states. This Article prescribes a series of duties relevant to the investment and management of trust property.

Article 10 - Liability of Trustees and Rights of Persons Dealing with the Trustee provides for remedies when there is breach of an obligation by the trustee, who and under what
circumstances there is a right of action by anybody, and a trustee's immunity from personal liability when doing business with others on behalf of the trust. A breach of duty to a beneficiary invokes a court's equity powers to compel performance, suspend or remove the trustee upon grounds noted earlier in this summary. Available damages restore a beneficiary's position as if breach had not occurred. The trustee's profit (if any) is also a measure of damage. A trust instrument may not waive or vary the obligation of good faith or exculpate the trustee for reckless indifference. An exculpatory term in a trust will not be enforced if the inclusion of the term abuses the settlor's confidential relationship with the trustee.

A trustee does not incur personal liability to third parties for contracts on behalf of the trust so long as the fiduciary status of the trustee is disclosed. A trustee is not liable for a tort action against the trust unless the trustee is personally at fault.

A third party dealing with a trust, also, is not liable for any breach of the trustee's obligations to the beneficiaries resulting from the transaction, unless the third party has knowledge of the actual breach by the trustee.

Article 11 - Miscellaneous Provisions include the provision as to how this act applies to existing relationships and the effective date.

Article 12 - Pre-existing Alabama Trust Statutes. This article merely continues existing statutes that have been moved into this Code for organization and easy use.

32. **Uniform Residential Landlord/Tenant Act**

This act was passed in 2006 and became effective January 1, 2007. It is codified as Chapter 9A of Title 35 of the Code of Alabama.

The following is an outline of the act:

The act provided benefits for tenants
Warranty of habitability/applicability of building and housing codes. (§ 35-9A-204)

Limits on security deposits and time lines for deposit return. (§ 35-9A-201)

Repairs by landlords, 14 days after notice. (§ 35-9A-401)

Tenant's recovery of actual and injunctive damages for landlord's breach. (§ 35-9A-401)

Prohibition against landlord's retaliation. (§ 35-9A-501)

Prohibition against exculpatory clauses. (§ 35-9A-163)

Prohibition against intentionally including prohibited provisions in leases. (§ 35-9A-164)

Provided attorney fees for successful party. (§ 35-9A-401)

Prohibition against changing material rules without tenants approval. (§ 35-9A-302)

Repealed the Sanderson Act. (§ 35-9-80 to 88)

The act provided benefits for landlords

State law preempted local law on landlord tenant matters. (§ 35-9A-121)

Tenant's obligation to pay rent before enforcing rights. (§ 35-9A-164)

Right of landlord and tenant to enter into a separate agreement for tenant to assume some repair responsibilities. (§ 35-9A-201 (c) (d))

Landlord's right to recover actual damages and injunctive relief for tenant's breach of lease. (§ 35-9A-301)
Security deposits forfeited by tenant if not claimed within 180 days. (§ 35-9A-201(d))

Responsibility of tenant maintaining dwelling. (§ 35-9A-301)

Landlord's right of entry to rental unit with advance notice, or in an emergency, without consent. (§ 35-9A-303)

Landlord not responsible for tenants property abandoned on premises. (§ 35-9A-423)

Defines landlords liability for breach of lease. (§ 35-9A-401(b))

Shortens eviction notice to 7 days for non-payment of rent. (§ 35-9A-421)

Court eviction action by landlord is 7 days. (§ 35-9A-461)

Shortens appeal time to 7 days. Section 2 amends § 6-6-350.

Provides attorney fees for landlord. (§ 35-9A-426)

Act excludes:

- Public Institutions
- Lease Sale Contracts
- Fraternities
- Hotels
- Condominiums
- Primary Agricultural

The Landlord Tenant Act was amended (Act 2009-633) in 2009 to make the following changes:

1. Clarified: Building codes by counties and municipalities must be the same for rental and owner occupied property.
2. New: A landlord may enter a unit to show the dwelling to prospective future tenants or buyers within 4 months of the end of the lease with the tenant present, provided the tenant has signed a separate agreement allowing entry.

3. Clarified: A landlord may schedule repairs or pest control of a unit during certain times, provided the tenant has at least 2 days notice separate from the lease.

4. Clarified: The filing of a post judgment motion suspends the time for the filing of an appeal.

5. Clarified: The right of a tenant to be restored to the premises after a successful appeal.

6. New: After an eviction judgment and no post trial motion or appeal is made by the tenant, an execution on the eviction judgment for possession of the property may be served after 7 days from the judgment.

33. **Election Code**

This act was passed in April 2006 and was to become effective January 1, 2007. However, the Attorney General’s Office did not submit the revision to the Justice Department for approval under the Voting Rights Act until July 13, 2007. The act was precleared by the Justice Department in October 2007. It is codified as Title 17 in a 2006 replacement volume of the Code of Alabama.

This act reorganized Alabama's election laws and cleared up ambiguities that existed. The act does not make any substantive revisions per se.

The reorganization of the election code has the following chapters:

2. Help America Vote Act
3. Voter Registration
4. Voter Registration Lists
34. **UCC Article 1 - General Provisions**

This act was passed in 2004 and became effective January 1, 2005. It is codified as Sections 7-1-101 through 7-1-310 of the Code of Alabama.

Article 1 of the Uniform Commercial Code provides definitions and general provisions that, in the absence of conflicting provisions, apply as default rules covering transactions and matters otherwise covered under a different article of the UCC. Other parts of the UCC have been revised and amended to accommodate changing business practices and development in the law.

Revised Article 1 contains technical, non-substantive modifications, such as reordering and renumbering of sections and adding of gender-neutral terminology. In addition, several other changes reflect an effort to add greater clarity to the provisions of Article 1. Finally, developments in the law require that certain substantive changes in Article 1 be made as well.

Scope. The substantive rules of Article 1 apply only to transactions governed by other articles of the UCC. There is no impact outside the UCC.

Applicability of supplemental principles of law. Revised section 1-103 clarifies the application of supplemental principles of
law, with clearer distinctions about where the UCC is preemptive. This section reflects the interrelationship between the Code’s purposes and policies and the extent to which other law is available to supplement the Code.

Good Faith. Section 1-201 adopts the objective standard of “good faith” that applies in all of the recently revised UCC articles (except Revised Article 5).

Choice of Law. Default choice of law provisions have been revised and are now found in section 1-301 to replace former section 1-105.

With respect to all transactions, an agreement by the parties to use the law of any state (or country) is generally effective, regardless of whether the transaction bears a reasonable relation to that state.

In a consumer transaction, except in certain circumstances, a choice of law provision cannot deprive a consumer of legal protections where the consumer is located.

Also, revised section 1-301 provides certain safeguards against abuse of choice of law provisions that did not appear in former section 1-105. For example, an agreement to use the law of a particular state of country will be ineffective to the extent the application would violate fundamental public policy of the state of country that has jurisdiction to adjudicate a dispute arising from the transaction.

Course of Performance. Under revised section 1-304, evidence of “course of performance” (a concept currently utilized only in Articles 2 and 2A of the UCC) may be used to interpret a contract along with a course of dealing and usage of trade.

Statute of Frauds. The statute of frauds requirement in former section 1-201, which was aimed at transactions beyond the coverage of the UCC, has now been deleted.
This act was passed in 2004 and became effective on January 1, 2005. It is codified as Sections 7-7-101 through 7-7-704 of the Code of Alabama.

The purpose of this revision is to provide a framework for the further development of electronic documents of title and to update the article for modern times in light of state, federal, and international developments.

The concept of an electronic document of title allows for commercial practice to determine whether records issued by Bailees are “in the regular course of business of financing” and/or “treated as adequately evidencing that the person in possession of control of the record is entitled to receive, control, hold, and dispose of a record and the goods the record the covers.” Such records in electronic form are electronic documents of title and in tangible form are tangible documents of title.

Under this revision the control of an electronic document of title is the conceptual equivalent to possession endorsement of a tangible document of title. Also incorporated in the revision is the acknowledgment that parties may desire to substitute an electronic document of title for an already-issued paper document and vice versa. Section 7-104 sets forth the minimum requirements that need to be fulfilled in order to give effect to this substitute issued in the alternative medium.

If possible, the rules for electronic documents of title are the same or as similar as possible to the rules for tangible documents of title. Otherwise, if a rule is meant to be limited to one medium or the other it is clearly stated. Other changes that are made include changes to definition to correspond with the other revisions in the article. The act further clarifies the rule of when an indictment is nonnegotiable and when rules apply just to warehouse receipts of bills of laden. Other changes include conforming the language to the uses to modern shipping practices. Finally, conforming amendments to other articles of the UCC are included to accommodate the electronic documents of title revisions.
36. **Alabama Uniform Interstate Enforcement of Domestic Violence Orders Act**

This act was passed in 2003 and became effective January 1, 2004. It is codified as Chapter 5B of Title 30 of the Code of Alabama.

This act provided a uniform effective system for enforcement of domestic violence protection orders across state lines. To facilitate the interstate enforcement of civil and qualified criminal domestic protection orders as stipulated in an important provision of the 1994 Federal Violence Against Women’s Act, this full faith and credit provision directs states to honor “valid” protection orders issued by other jurisdictions and to treat those orders as if they were their own.

Although the Federal Violence Against Women’s Act provided protection and was national in scope, it left several important questions unanswered and states to their own discretion as to how to set up procedures to effectively implement the enforcement.

For example, the federal act does not answer the question of whether states are required to enforce provisions of foreign orders that would not be authorized by the law of the enforcing state. It is silent as to whether protected individuals seeking enforcement of an order must register or file the order with the enforcing state before the action can be taken on their behalf. It is also vague about whether custody and support orders are included.

In recent years some states have enacted their own enabling legislation but these statutes vary greatly, both in method and extent to which they will enforce foreign protection orders. This act had two purposes. It defined the meaning of full faith and credit in the context of the enforcement of domestic violence protection orders and it established uniform procedures for their effective interstate enforcement.

Under this act:
Courts must enforce the terms of protection orders of other states as if they were their own, unless the order expires, regardless of which state the victim has entered.

Enforcing states must enforce all of the terms of the order, even if the order provides relief that would be unavailable under the laws of the enforcement jurisdiction.

Terms of orders that concern custody and visitation matters are enforceable if issued for the purpose of protection. Terms that concern support are not.

Enforcement mechanisms must be applied to orders issued before the effective date of the act.

The act ensured that enforcement will require law enforcement officers in enforcing states to rely on probable cause judgments that a valid order has been violated. The law enforcement officers, as well as other government agencies, are encouraged to rely on individual judgments based on probable cause by the acts inclusion of the broad immunity provision protecting agencies of the government acting in good faith.

37. Uniform Anatomical Gift Act

This act was passed in 2003 and became effective January 1, 2004. It is codified as Sections 22-19-51 to 22-19-59.7 of the Code of Alabama. Sections 22-19-41 through 22-19-47 of the Code of Alabama are repealed.

This act enlarged the list of individuals who may be consulted regarding the donation of organs. The act also specified the circumstances in which coroners, medical examiners, or other local public health officials may be permitted to remove a part of the body for the purpose of transplantation.

The act clarified the rights of the parties involved in the donation and clarified the authority of the individuals involved in the procedures for removing and transplanting a part.
This act also provided that if an organ donation authorization is attached or imprinted to a motor vehicle license, the revocation, suspension, expiration, or cancellation of that license does not invalidate the anatomical gift.

1998-2002 Quadrennium

38. Uniform Management of Institutional Funds Act

This act was passed in 2002 and became effective September 1, 2002. It is located at §§ 16-16A-1 through 8 of the Code of Alabama.

In 1993 Alabama passed a modified version of the Uniform Institutional Funds Act and limited it to educational institutions. The Uniform Educational Institutional Funds Act is codified in Ala. Code §§16-61A-1 through 8.

The Uniform Management of Institutional Funds Act was passed by the Uniform Law Commissioners in 1972. It was subsequently approved by the American Bar Association and has been adopted in some form in almost every state. The premise of the Uniform Act is the need for the governing boards of educational institutions as well as charitable, religious or any other eleemosynary institutions to be able to make more effective use of endowments and other investment funds. To modify investment restrictions that no longer seem necessary, the act provided the following:

• a standard of prudent use of appreciation in invested funds;
• specific investment authority;
• authority to delegate investment decisions;
• a standard of business care and prudence to guide governing boards in exercise of their duties under the act; and
• a method of releasing restrictions on use of funds or selection of investments by donor acquiescence or court action.

After reviewing the policy issue of limiting the current Alabama law to educational institutions, it was determined that charitable, religious, or other eleemosynary institutions in Alabama
would benefit from having the opportunity to utilize the investment flexibility provided by the Uniform Act.

39. **Interstate Compact for Adult Offender Supervision**

This act was passed in 2002 and will become effective when two-thirds of the state have passed it. It is codified at §15-22-1.1 of the Code of Alabama.

The compact concerns the management, monitoring and supervision of adult parolee and probationers in states other than where they were sentenced. The goal was to ensure that it remains an effective management tool for those adult parolees and probationers who travel to, or are supervised in, states other than where they were sentenced.

The current Interstate Compact has been in place for more than 60 years but has been found to no longer support an evolving criminal justice system. Concerns raised by both the public and corrections practitioners led the Council of State Governments (CSG), in collaboration with the National Institute of Corrections, to revise the existing Interstate Compact.

Alabama became a signatory to the original Interstate Compact (1937) with the enactment of Ala. Code § 15-22-1 in 1939. This act repealed the original Interstate Compact, and established the Interstate Compact for Adult Offender Supervision on behalf of Alabama. The Compact will take effect once it has been enacted into law by 35 states. At the time of the passage of this act, 24 states had passed it. Once enacted the signatory states will begin making administrative decisions, by-laws, and the rules that signatory states must follow. Within the first twelve months of the enactment, under Article VIII of the Compact, member states are required to make rules in ten specific areas. All member states have an equal vote, and while nonmember states may be present and heard, they may not vote.
40. **Uniform Electronic Transactions Act**

This act was passed in 2001 and became effective January 1, 2002. It is codified as §§ 8-1A-1 et. seq. of the Code of Alabama.

The Electronic Signatures in Global and National Commerce Act or “E-SIGN” is a federal law that established for the first time base line rules to facilitate the nationwide use of electronic signatures, contracts, and records in commercial transactions. This act’s focus was more on enabling electronic transactions and removed barriers to such transactions than on the technical requirements of electronic signatures. The “E-SIGN” functions to establish the legal equivalence of electronic records and signatures with paper writings and manually-signed signatures.

The federal law does provide states with limited authority to modify, limit, or supercede the E-Sign Act basic provisions to comply with state law by the adoption of the Uniform Electronic Transactions Act. The following summary of UETA is adapted from the NCCUSL comments to the Uniform Act.

Although related to the Uniform Commercial Code, the rules of UETA are primarily for "electronic records and electronic signatures relating to a transaction" that is not subject to any article of the Uniform Commercial Code, except for Articles 2 and 2A. A "transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

UETA applies only to transactions in which each party has agreed by some means to conduct them electronically. Agreement is essential. Nobody is forced to conduct by electronic transactions. Parties to electronic transactions come under UETA, but they may also opt out. They may vary, waive or disclaim most of the provisions of UETA by agreement, even if it is agreed that business will be transacted by electronic means. The rules in UETA are almost all default rules that apply only in the event the terms of an agreement do not govern.
UETA does not attempt to create a whole new system of legal rules for the electronic marketplace. The objective of UETA is to make sure that transactions in the electronic marketplace are as enforceable as transactions memorialized on paper and with manual signatures, but without changing any of the substantive rules of law that apply. This is a very limited objective--that an electronic record of a transaction is the equivalent of a paper record, and that an electronic signature will be given the same legal effect, whatever that might be, as a manual signature. The basic rules in UETA serve this single purpose.

The basic rules are in Section 7 of UETA. The most fundamental rule in Section 7 provides that a "record or signature may not be denied legal effect or enforceability solely because it is in electronic form." The second most fundamental rule is that "a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation." The third most fundamental rule states that any law that requires a writing will be satisfied by an electronic record. And the fourth basic rule provides that any signature requirement in the law will be met if there is an electronic signature.

Almost all of the other rules in UETA serve the fundamental principles set out in Section 7, and tend to answer basic legal questions about the use of electronic records and signatures. Thus, Section 15 determines when information is legally sent or delivered in electronic form. It establishes when electronic delivery occurs--when an electronic record capable of retention by the recipient is legally sent and received. The traditional and statutory rules that govern mail delivery of the paper memorializing a transaction can't be applied to electronic transactions, however, UETA provides the appropriate rule.

Another rule that supports the general validity of electronic records and signatures in transactions is the rule on attribution in Section 9. Electronic transactions are mostly faceless transactions between strangers. UETA states that a signature is attributable to a person if it is an act of that person, and that act may be shown in any manner. If a security procedure is used, its efficacy in establishing the attribution may be shown. In the faceless environment of electronic transactions, the obvious difficulties of
identification and attribution must be overcome. UETA, Section 9 gives guidance in that endeavor.

A digital signature is really a method of encryption that utilizes specific technology.

UETA may not however be characterized as a digital signature statute. It does facilitate the use of digital signatures and other security procedures in rules such as the one in Section 9 on attribution. Section 10 provides some rules on errors and changes in messages. It favors the party who conforms to the security procedure used in the specific transaction against the party who does not, in the event there is a dispute over the content of the message.

Nothing in UETA requires the use of a digital signature or any security procedure. It is technologically neutral. Persons can use the most up-to-date digital signature technology, or less sophisticated security procedures such as passwords or pin numbers. Whatever parties to transactions use for attribution or assuring message integrity may be offered in evidence if there is a dispute.

UETA is procedural, not substantive. It does not require anybody to use electronic transactions or to rely upon electronic records and signatures. It does not prohibit paper records and manual signatures. Basic rules of law, like the general and statutory law of contracts, continue to apply as they have always applied.

There are three provisions in UETA that need special attention. First, UETA excludes transactions subject to the Uniform Commercial Code, except for those under Articles 2 and 2A, laws governing estates and trusts, and any other specific laws that a state wants to exempt from the rules applied in UETA. Some writing and signature requirements in state law do not impact the enforceability of transactions, and have objectives that should not be affected by adoption of a statute like UETA. The limitation of UETA to agreed electronic transactions will eliminate any conflict with other writing requirements for the most part.
Second, UETA provides for "transferable records" in Section 16. Notes under Article 3 and documents under Article 7 of the Uniform Commercial Code are "transferable records" when in electronic form. Notes and documents are negotiable instruments. The quality of negotiation relies upon the note or document as the single, unique item of the obligations and rights embodied in the note or document. Maintaining that quality as a unique item for electronic records is the subject of Section 16. A transferable record exists when there is a single authoritative copy of that record existing and unalterable in the "control" of a person. A person in "control" is a "holder" for the purposes of transferring or negotiating that record under the Uniform Commercial Code. Section 16 is essentially a supplement to the Uniform Commercial Code, until its relevant articles can be fully amended or revised to accommodate electronic instruments.

Third, UETA clearly validates contracts formed by electronic agents. Electronic agents are computer programs that are implemented by their principals to do business in electronic form. They operate automatically, without immediate human supervision, though they are certainly not autonomous agents. They are a kind of tool that parties use to communicate. Section 14 provides that a person may form a contract by using an electronic agent. That means that the principal, which is the person or entity which provides the program to do business, is bound by the contract that its agent makes.

When somebody buys something on the Internet, therefore, that person will be assured that the agreement is valid, even though the transaction is conducted automatically by a computer that solicits orders and payment information.

Three sections, 17, 18, & 19 of UETA, deal with electronic records that state governmental agencies create and retain.

41. **Alabama Uniform Athlete Agents Act**

This act was passed in 2001 and became effective October 1, 2001. It is codified as §§ 8-26A-1 through 31 of the Code of Alabama.
In 1987 the Alabama Legislature established the “Alabama Athlete Agents Regulatory Commission.” That law provided that no person could be an athletic agent in Alabama without first registering with the Commission. It was subsequently amended in 1994 to change the makeup of the Commission. The law was again amended in 1998 to add additional requirements in the approved form of contracts between the student athlete and the athlete agent and provide a criminal and civil penalty against the parties for failure to adhere to the law.

At the time of its passage over half of the states had enacted statutes regulating athlete agents. They vary in degree and do not contain registration reciprocity. An athlete agent intending to do business in each state was currently required to comply with 28 different sets of requirements for registration and regulation. This uniform act was drafted to protect the interest of student athletes and academic institutions by regulating the activities of athlete agents. This law provided the following:

- Reciprocity of registration;
- Authorized denial, suspension, or revocation of registrations based upon similar actions in other states;
- Regulated the conduct of individuals who contact student athletes for the purpose of obtaining agency contracts;
- Required notice to educational institutions when an agency contract is signed by a student athlete;
- Provided a civil penalty for an educational institution damaged by the conduct of an athlete agent or a student athlete; and,
  - Established civil and criminal penalties for violation of the act.

42. **U. C. C. Article 9, Secured Transactions**

This act was passed in 2001 and became effective January 1, 2002. It is codified as §§ 7-9A-101 et. seq. of the Code of Alabama.

A major revision of Article 9 was drafted and approved by the American Law Institute and the National Conference of
Commissioners on Uniform State Laws in 1999. It has been adopted in all 50 states and is now effective in each state.

The Uniform Commercial Code in Alabama was adopted in 1965 and was last revised in 1981. However, this revision is more wide sweeping than the earlier revision. Currently, financing statements are filed in either the probate office or in the Secretary of State’s Office. Under this revision the place of filing follows the domicile of the debtor rather than the location of the security. Further, there will only be one central data base.

For natural persons living in Alabama the filing will still remain in Alabama. However, for business entities, although located in Alabama and with property in Alabama, if they are foreign business entities, the filing will be in the state of organization.

This act permitted filing could either be paper documents or electronic records.

Article 9 is not simple, the following summary of Article 9 is adopted from the NCCUSL comments and is not a treatise on Revised Article 9, but is a schematic summary of its relevant changes provided by the drafters.

1. The Scope Issue. This revision expanded the "scope" of Article 9. What this means literally is that the kinds of property in which a security interest can be taken by a creditor under Article 9 increased over those available in Article 9 before revision. Also, certain kinds of transactions that did not come under Article 9 before, now come under Article 9. These are some of the kinds of collateral that are included in Revised Article 9 that are not in original Article 9: sales of payment intangibles and promissory notes; security interests created by governmental debtors; health insurance receivables; consignments; and commercial tort claims. Nonpossessory, statutory agricultural liens come under Article 9 for determination of perfection and priority, generally the same as security interests come under Article 9 for those purposes.
2. Perfection. Filing a financing statement remains the dominant way to perfect a security interest in most kinds of property. It is clearer in Revised Article 9 that filing a financing statement will perfect a security interest, even if there is another method of perfection. "Control" is the method of perfection for letter of credit rights and deposit accounts, as well as for investment property. Control was available only to perfect security interests in investment property under old Article 9. A creditor has control when the debtor cannot transfer the property without the creditor's consent. Possession, as an alternative method to filing a financing statement to perfect a security interest, is the only method for perfecting a security interest in money that is not proceeds of sale from property subject to a security interest. Automatic perfection for a purchase money security interest is increased nationally from ten days in old Article 9 to Alabama’s current twenty days in Revised Article 9. Attachment of a purchase money security interest is perfection, at least for the twenty-day period. Then another method of perfection is necessary to continue the perfected security interest. However, a purchase money security interest in consumer goods remains perfected automatically for the duration of the security interest.

3. Choice of Law. In interstate secured transactions, it is necessary to determine which state's laws apply to perfection, the effect of perfection and the priority of security interests. It is particularly important to know where to file a financing statement. The Revised Article 9 makes two fundamental changes from old Article 9. In old Article 9, the basic rule chooses the law of the state in which the collateral is found as the law that governs perfection, effect of perfection, and a creditor's priority. In Revised Article 9, the new rule chooses the state that is the location of the debtor. Further, if the debtor is an entity created by registration in a state, the location of the debtor is the location in which the entity is created by registration. If an entity is a corporation, for example, the location of the debtor is the state in which the corporate charter is filed or registered. In old Article 9, the entity that is a debtor is located in the state in which it has its chief executive office. These changes in basic choice of law rules will change the place in which a financing statement is filed in a great many instances from the place it would have been filed under old Article 9.
4. The Filing System. The filing system in the Revised Article 9 includes a full commitment to centralized filing—one place in every state in which financing statements are filed, and a filing system that changes filing from a system of filed documents to a system of electronic communications and records. Under Revised Article 9, the only local filing of financing statements occurs in the real estate records for fixtures. Fixtures are items of personal property that become physically part of the real estate, and are treated as part of the real estate until severed from it. It is anticipated that electronic filing of financing statements will replace the filing of paper. Revised Article 9 definitions and provisions allow this transition from paper to electronic filing without further revision of the law. Revised Article 9 makes filing office operations more ministerial than old Article 9 did. The office that files financing statements has no responsibility for the accuracy of information on the statements and is fully absolved from any liability for the contents of any statements received and filed. Financing statements may, therefore, be considerably simplified. There is no signature requirement, for example, for a financing statement.

5. Consumer Transactions. Revised Article 9 makes a clearer distinction between transactions in which the debtor is a consumer than prior Article 9 did. Enforcement of a security interest that is included in a consumer transaction is handled differently in certain respects in the Revised Article 9. Examples of consumer provisions are: a consumer cannot waive redemption rights in a financing agreement; a consumer buyer of goods who pre-pays in whole or in part, has an enforceable interest in the purchased goods and may obtain the goods as a remedy; a consumer is entitled to disclosure of the amount of any deficiency assessed against him or her, and the method for calculating the deficiency; and, a secured creditor may not accept collateral as partial satisfaction of a consumer obligation, so that choosing strict foreclosure as a remedy means that no deficiency may be assessed against the debtor. Although it governs more than consumer transactions, the good faith standard becomes the objective standard of commercial reasonableness in the Revised Article 9.

6. Default and Enforcement. Article 9 provisions on default and enforcement deal generally with the procedures for
obtaining property in which a creditor has a security interest and selling it to satisfy the debt, when the debtor is in default. Normally, the creditor has the right to repossess the property. Revised Article 9 includes new rules dealing with "secondary" obligors (guarantors), new special rules for some of the new kinds of property subject to security interests, new rules for the interests of subordinate creditors with security interests in the same property, and new rules for aspects of enforcement when the debtor is a consumer debtor. These are some of the specific new rules: a secured party (creditor with security interest) is obliged to notify a secondary obligor when there is a default, and a secondary obligor generally cannot waive rights by becoming a secondary obligor; a secured party who repossesses goods and sells them is subject to the usual warranties that are part of any sale; junior secured creditors (subsequent in priority) and lien holders who have filed financing statements, must be notified when a secured party repossesses collateral; and, if a secured party sells collateral at a low price to an insider buyer, the price that the goods should have obtained in a commercially reasonable sale, rather than the actual price, is the price that will be used in calculating the deficiency.

43. **Conversions and Mergers of Business Entities**

This act was passed in 2000 and became effective October 1, 2000. It is codified as §§ 10-15-1 through 7 of the Code of Alabama.

Over the last several years the number of business entities available in Alabama and throughout the United States has greatly expanded and virtually all existing business entities have been revised.

This act provided a convenient and simple way for the different types of business entities for profit to convert or merge with each other.

Business entities allowed to merge under this Act include the following:

Business Corporation
Limited Liability Company  
General Partnership  
Limited Partnership  
Limited Liability Partnership  
Real Estate Investment Trust  
Professional Corporation

These laws, having been created and revised at different times, may provide clear laws for mergers and conversions of entities of like kind but when entities of different kinds merge or convert the laws are often incomplete and conflicting.

This act is not exclusive. Business entities may be converted or merged in the manner provided in their own acts or under this act.

44. **Uniform Principal and Income Act**

This act was passed in 2000 and became effective January 1, 2001. It is codified in the Code of Alabama at §§19-3A-101 et seq.

The basic premise of a “principal and income” act is how to determine the allocation of income and expenses of a trust between a life beneficiary and a beneficiary after death.

Property may be left in trust with the income paid during the life of one individual and the remainder payable to another. This act allowed the trustee, when directed by the donor, to pay the life beneficiary more or less than the income when it is fair and equitable to all beneficiaries.

There were two uniform principal and income acts prior to this Uniform Principal and Income Act. The first was the 1931 Uniform Principal and Income Act [UPAIA] and followed by the 1962 Revised Uniform Principal and Income Act. Alabama basically had the 1931 Uniform Principal and Income Act with some amendments and additions that have been made through the years. Alabama never adopted the 1962 act. This revision allows Alabama Trustees and beneficiaries the same estate planning opportunity as that afforded in the other states.
This act continued that trend of giving fiduciaries more flexibility with broader powers and more discretion. As stated below, one of the major considerations in drafting this act was that financial instruments and investment opportunities have been developed over six decades that were not even conceptualized in 1931. A second major change has been that today fiduciaries, and particularly corporate fiduciaries, conduct multi-state operations as fiduciaries. Thirdly, much of the large holdings of property interests, particularly of timber and other natural resources, are held by property owners who operate inter-state. Generally, with respect to real property, the law of the situs of the property controls. The Alabama Court has stated, in Englund v. First National Bank of Birmingham, 381 So.2d 8 (Ala.1980), that even though a testamentary trustee was granted very broad power to allocate trust receipts between principal and income, the trustee was not authorized to make allocations where proper allocation is not a matter of honest doubt. If a trustee is attempting to apply the principal and income acts of different states to different portions of the same trust, attempting to determine when “a proper allocation is not a matter of honest doubt” may put a trustee in some jeopardy. The latter two considerations make uniformity of legislation dealing with principal and income allocations among the various states important.

Revision was needed to support the now widespread use of the revocable living trust as a will substitute, to change the rules in those acts that experience has shown need to be changed, and to establish new rules to cover situations not provided for in the old acts, including rules that apply to financial instruments invented since 1931.

The other purpose was to provide a means for implementing the transition to an investment regime based on principles embodied in the Uniform Prudent Investor Act, especially the principle of investing for total return rather than a certain level of “income” as traditionally perceived in terms of interest, dividends, and rents.
45. **Uniform Determination of Death Act**

This act was passed in 2000 and became effective July 1, 2000. It is codified in the Code of Alabama at §§ 22-31-1.

This act provides a comprehensive basis for determining death in all situations. This act amended Alabama’s law in Ala. Code § 22-31-1 et. seq. which was passed in 1979. This uniform act is not radically different from prior Alabama law. It does make our determination of death aligned with the law. This uniform law has been adopted in 43 states, including Georgia and Mississippi.

The interest in this statute arose from modern advances in life saving technology. A person may be artificially supported for respiration and circulation after all brain functions cease irrevocably. The medical profession has also developed techniques for determining loss of brain functions while cardiovascular support is administered. At the same time, the common law definition of death cannot assure recognition of these techniques. The common law standard for determining death is a cessation of all vital functions traditionally demonstrated by an absence of spontaneous respiratory and cardiac functions. There is then a potential disparity between current and accepted biomedical practice and the common law.

Part 1 codified the common law basis for determining death - total failure of the cardiac respiratory system. Part 2 extends a common law to include the new procedures for determination of death based upon irreversible loss of brain functions. The overwhelming majority of cases will continue to be determined according to part 1. While artificial means of support preclude a determination under part 1, the act recognizes that death can be determined by alternate procedures. Under part 2 the entire brain must cease to function irreversibly. The “entire brain” includes the brain stem as well as the neocortex. The concept of “entire brain” distinguishes determination of death under this act and “neocortical death” or “persistent vegetative state”. These are not deemed valid, medical or legal basis for determining death.

This act also does not concern itself with living wills, death with dignity, euthanasia, rules on death certificates, maintaining
life support beyond brain death in cases of pregnant women or organ donors, and protection of a dead body. These subjects are left to other law.

This act is also silent on acceptable diagnostic tests and medical procedures. It set the general, legal standard for determining death but not the medical criteria for doing so. The medical profession remains free to formulate acceptable medical practice and to utilize new, biomedical knowledge, diagnostic tests, and equipment.

Time of death, also, is not specifically addressed. In those instances in which time of death affects legal rights, this act states the basis for determining death. Time of death is a fact to be determined with all others in each individual case and may be resolved, when in doubt, upon expert testimony before the appropriate court.

46. Uniform Child Custody Jurisdiction and Enforcement Act

This act was passed in 1999 and became effective January 1, 2000. It is located in the Code of Alabama at §§ 30-3B-101 et seq.

The Legislature passed the Uniform Interstate Family Support Act (UIFSA) (§ 30-3A-101) that became effective in 1998 to clarify the law concerning child support when the parties live in different states. Complimenting that law is this act which is concerned with custody and visitation rights of parties who live in different states.

This act, the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) was promulgated by the National Conference of Commissioners on Uniform Laws. It revised and updated the Uniform Child Custody Jurisdiction Act passed in 1980 (Alabama Code §§ 30-3-20 through 44). Although this act followed to a large extent the format of Alabama’s current laws there were a number of improvements.
First, the act added remedial provisions to enforce interstate visitation determinations that were not previously covered under current law. Swift access to the court is now available in visitation and custody cases. This is particularly critical in the area of visitation because if visitation rights cannot be quickly enforced then often the time frame available for the visitation by the non-custodial parent will have passed.

Second, this act revised the law on child custody jurisdiction in light of the enactment of several federal laws as well as the myriad problems that have developed over the last thirty years with inconsistent case law determinations. The changes in the law as it relates to child custody were drafted to parallel those of the Parental Kidnapping Prevention Act (PKPA) located at 28 E.S.C. § 1738A. For example, the act will prioritize home state jurisdiction in a similar manner as the PKPA. Moreover, the new act clarified the circumstances in which emergency jurisdiction applies, thus, clearing up the confusion that has developed as various courts have interpreted the current UCCJA language to provide a court with jurisdiction to modify another court’s custody determination based solely upon emergency jurisdiction. Under this act, the language specified that emergency jurisdiction may be exercised only to protect the child on a temporary basis, not to provide jurisdiction to modify another court’s determination.

The establishment under this act of continuing exclusive jurisdiction eliminated some of the confusion in state courts as to which state has continuing jurisdiction. One manner of clarifying this was to provide a clear basis to determine when a court has relinquished jurisdiction. Specifically, for the first time, this act enunciated a standard of continuing jurisdiction and clarified the law as it relates to modification jurisdiction.

A further clarification has been defining which custody proceedings are intended to be covered by this act. For example, this law specifically provided that adoption is not covered by this statute.

Finally, one of the major purposes of the revision to the UCCJA was to provide an effective enforcement mechanism for interstate visitation and custody cases. Article 3 of the act
provided several remedies for the enforcement of custody and visitation provisions. For example, there is a procedure under this act for registering a custody determination in another state so that a party will know in advance whether that state will recognize that party’s custody determination. Also, a number of remedies, such as habeas corpus, will be available to a parent to assist them if there is any problem with the enforcement of a custody or visitation order. The court is given greater flexibility in utilizing extraordinary remedies such as issuing a warrant for the physical possession of a child under certain circumstances.

1994-1998 Quadrennium

47. Divorce, Legal Separation Act

This act was passed in 1998 and became effective January 1, 1999. It is located in Ala. Code § 30-2-40.

This act was designed to allow couples who are facing marital discord to have a viable alternative to immediately obtaining a divorce. It has been drafted to provide flexibility so that it can be utilized by couples who hope for a brief period of legal separation while they attempt to reconcile or it can be used by couples who anticipate a long, perhaps even permanent separation but do not want to obtain a divorce for religious or other reasons.

Under Section (1)(a) the court shall enter a legal separation if requested by one or both of the parties provided that the jurisdictional requirements for a dissolution of a marriage have been met. In so doing, the court must comply with Rule 32 relating to the mandatory child support guidelines, if the couple has children.

Section (1)(b) reiterates that a decree of legal separation does not terminate the marital status of the parties. Section (1)(c) specified that the terms of a legal separation can be modified or dissolved only by written consent by both parties and ratification by the court or by court order upon proof of a material change of circumstances. Moreover, the existence of a legal separation does
not bar a party from later instituting an action for dissolution of a marriage.

Section (1)(d) contemplated that the terms relating to alimony or a property settlement in the legal separation will not generally be incorporated into a final divorce decree absent agreement by the parties. This section recognized that in many instances the parties hope to reconcile and therefore have not attempted to equitably divide their property during what is hoped will be only a brief period of separation. However, this section provided the flexibility of allowing the couple to agree that if a reconciliation does not occur that the division of property and the alimony provision will be continued in a final decree.

Section (1)(e) provided that "the best interest of the child" standard shall apply if the parties to the legal separation later file for dissolution of their marriage.

Section (1)(f) provided that if both parties consent, property acquired by each party subsequent to the legal separation will be deemed the sole party of the person acquiring the property. Likewise, if both parties consent, each spouse may waive all rights of inheritance subsequent to the legal separation. This section has been included to provide flexibility to those parties who desire more economic certainty when a legal separation is anticipated to extend for a long period of time or when the parties prefer to have those matters settled by consent prior to the entry of the legal separation.

Section (1)(g) provided that the cost for legal separation is the same as if a dissolution of the marriage was requested.

Sections 30-2-30 and -31 relating to divorce from bed and board have been repealed.

48. **Uniform Multiple Persons Accounts Act**

This act was passed in 1997 and became effective March 1, 1997. It is located in Ala. Code §§ 5-24-1 through 5-24-34.
This act addressed deposits in all types of financial organizations and corrects the problem of inconsistent treatment of joint accounts among different financial institutions in Alabama. It contained several sections which resolve ownership questions affecting parties and death beneficiaries of accounts. Separate sections are devoted to protecting financial institutions if they make payment in accordance with the account contract terms.

The act included sample statutory forms that provide clear and simple instructions to both financial institutions and depositors in setting up multi-person accounts. Many of the account agreements formerly used in Alabama did not allow the depositor to distinguish among the different functions of the multiple-person account, with the result that the depositor’s use of a joint account for one purpose may yielded unwanted results after death.

49. **Alabama Uniform Interstate Family Support Act**

This act was passed in 1997 and became effective January 1, 1998. It is codified at Ala. Code §§ 30-3A-101 through 906.

The Federal Welfare Reform Acts required each state to pass the Uniform Interstate Family Support Act (UIFSA). UIFSA was initially passed in 1992 and was adopted by a majority of the jurisdictions in the United States. In 1996, the Commissioners adopted the 1996 draft that included amendments designed to improve the act as well as provide a smoother transition between those jurisdictions who had adopted UIFSA with those who had not. This act replaced Alabama’s prior law (Ala. Code § 30-4-80 through 98).

One of the major drawbacks to the former interstate income withholding law in Alabama is that the orders, in general, were not affected by other support orders. This resulted in the potential of several states issuing conflicting support orders relating to the same parties and child. This led to confusion on the part of a payor as to which amount he or she should pay and sometimes resulted in arrearage if the payor paid the lesser of the amounts specified in the orders.
UIFSA established a priority scheme in which there will be a determination as to which jurisdiction may issue a child support order. Thus, even though there may be more than one state involved in enforcing a child support order at the same time, the order that is being enforced will be the same amount. This is accomplished through the process of having one state assume continuing exclusive jurisdiction, with modification of that order under very limited circumstances.

UIFSA also contained a one-state enforcement mechanism that allows for direct withholding. Therefore, an order can be sent directly to an employer in a second state without the necessity of "domesticating" the order. The act also provides immunity for an employer who complies with income withholding order of another state in accordance with the provisions of the act.

UIFSA, also, substantially increased the methods in which courts and agencies may interact among each other concerning issues relating to child and spousal support. This allowed the state to take advantage of the new technology available to speed up the enforcement process.

Another component of UIFSA is a long arm provision for asserting personal jurisdiction over a nonresident in an action to establish paternity or support. Also, a state that issues a support order and remains the residence of either the obligor, obligee or child has "continuing exclusive jurisdiction" unless the individual parties agree in writing for another state to exercise jurisdiction. Moreover, an ex parte temporary support order or a temporary support order pending a determination of a jurisdictional conflict does not affect the "continuing exclusive jurisdiction" of the issuing court.

It should be noted that UIFSA does not affect the calculation of an arrearage under an existing order. Under the Bradley amendments, 42 U.S.C § 666(a)(9), arrearages are judgments that are entitled to full faith and credit.

The act provided for uniformity in the procedure involved in the enforcement of spousal and child support orders from
various states. The Department of Human Resources is designated as the support enforcement agency for the State of Alabama.

50. **UCC Article 5 - Letters of Credit**

This act was passed in the 1997 Regular Session and became effective January 1, 1998. It is codified at Ala. Code §§ 7-5-101 through 7-5-117.

The revision of this article was the first since the Uniform Commercial Code was passed in 1965.

A letter of credit is an instrument that participates in the payment system along with drafts, checks, electronic funds transferring money. A typical example would involve an American company buying goods from a European manufacturer, the European manufacturer is willing to do business provided it has assurances of payment for the goods which are purchased. The American company then applies to its bank with which it has accounts and receives a letter of credit from the bank. The bank issues the document that it is in actual letter form. The letter guarantees the manufacturer in Europe that the bank will pay money up to a certain amount upon receipt of an appropriate document, usually a draft, from the European manufacturer. The letter of credit may also contain other documentary conditions that the parties agree on. The letter of credit provides the guarantee of payment to the European supplier that at an appropriate time in the transaction the manufacturer is paid upon presentation of the draft to the bank. Then the bank debits the appropriate account of the American company to receive its money. The letter of credit business is a $200 billion industry in the United States. Half of all exports outside the United States are financed by letters of credit.

This act conformed our law with international law and practice which facilities international trade.

51. **Limited Liability Company Act Amendments**

This act passed in the First Special Session in 1997 and became Act 97-920. It became effective January 1, 1998.
Alabama adopted its Limited Liability Company law in 1993. When Alabama passed its law it was the fourteenth state to pass an LLC law. In the years since Alabama's enactment all other states have since passed LLC laws.

One of the major revisions in other states allowed for a one person LLC organization, whereas Alabama formerly required two or more. There was also a need for a merger provision to enable other entities to be able to merge into LLCs. Filing provisions with the Secretary of State were modified to remove the filing of an annual report. Further there was a change in the buyout rule and additional fiduciary obligations to the members with each other.

52. **Revised Limited Partnership Act, 1998**

This act passed in the First Special Session in 1997 and became Act 97-921. It became effective October 1, 1998.

Alabama passed its prior limited partnership in 1983, however, it followed the 1976 Uniform Limited Partnership Act.

The revision of the Alabama Limited Partnership Act had two goals, one narrow and the other more broad. First, the act amended the "default" rules that apply, in the absence of a provision in the partnership agreement, to the withdrawal of a limited partner from the partnership. The second, broader goal was to bring the Alabama Act in line with the most current version of the Uniform Limited Partnership Act promulgated by the National Conference of Commissioners on Uniform State Laws by streamlining the information required to be set forth in the certificate of limited partnership and by clarifying the activities in which a limited partner may engage without loss of limited liability.

53. **Transfer on Death of Securities Act**

This act passed in 1997 and was codified as Article 6 of Chapter 6 of Title 8 of the Code of Alabama. It became effective August 1, 1997.
This act allowed for the transfer of stock upon the death of one of the parties without requiring the person’s estate to be probated. Currently, Alabama has a statute which allows checking accounts in banks to be payable to a survivor upon the death of one of the parties. We also have a statute which allows “right of survivorship” for joint owners of real estate. This act is consistent with those laws by allowing joint tenancy for stock.

54. **UCC Article 8 - "Investment Securities"**

This act was passed in 1996 and became effective January 1, 1997. It is located in Ala. Code § 7-8-1.

In 1965 Alabama passed the Uniform Commercial Code. The Uniform Code was drafted by the Commissioners on Uniform State Laws and the American Law Institute. Article 8 had not been revised since that original legislation in 1965. Alabama law only recognized a stock purchase when a purchaser possessed a paper stock certificate. The revision of this act was technical in nature and protected stock holders by allowing transfer of stock to be done electronically with the issuer rather than being held by the brokers. This means stock transfers do not rely on paper certificates. Now stock purchases and transfers are effective by bookkeeping entries, rather than through the delivery of physical certificates. This uniform act was supported by all those in the securities industry and those dealing with securities.

55. **Partnership Act**

This act was passed in 1996 and became effective January 1, 1997. It is located in Ala. Code § 10-8A-101.

Although the revised Uniform Partnership Act retains the basic historical character of a partnership, there have been some changes to adapt to modern business practices. Under the UPA, the partnership formed is an entity and not an aggregate of individuals. The UPA does not require filing a certificate to form a partnership, preserving availability of the partnership form of organization to both large and small entities. It does however, permit the filing of a statement of partnership authority which may be used to limit the capacity of a partner to act as an agent of the
partnership and to limit a partner’s capacity to transfer property on behalf of the partnership. Such statement is voluntary. No partnership need file such a statement nor is the existence of the partnership dependent upon the filing of the statement. However, the statement if filed, has an impact upon a third party dealing with the partnership. Nonetheless, a limitation upon a partner’s authority does not affect any third party who does not know about the statement, except as to real estate transactions. If there has been some limitation as to real estate transactions that are filed in the records office, then a third party dealing with that partner is held to know of that limitation.

56. **Limited Liability Partnership Act**


The act contained articles on: Nature of the Partnership; Relations of Partners to Persons Dealing with Partnership; Relations of Partner to Each Other and the Partnership; Transfers and Creditors of Partner; Partners Disassociation; Partner’s Dissolution When Business Not Wound Up; Winding Up a Business; and Conversions.

57. **UCC Article 6, Bulk Transfers - Repealed**

This act repealed Article 6 in the Alabama Code effective January 1, 1997.

Alabama passed all the Uniform Commercial Code in 1965 including Article 6 "Bulk Transfers". The national drafters of the UCC, realizing that it was too inconclusive and covered more transactions than were really necessary, attempted to revise this article beginning in 1987. After several years of study, a 1989 revision was completed. However, in 1991 the Commission on Uniform State Laws withdrew their support from Article 6 and recommended that the article be repealed.

The parties are protected under the Alabama Fraudulent Transfers Act that was passed by the Legislature in 1989. It has
been the general consensus nationally that the Fraudulent Transfer Act, which has been enacted in 33 states makes the "Bulk Transfers" no longer necessary.

58. **Joint Custody of Children**

This act was passed in 1996 and became effective January 1, 1997. It is codified at Ala. Code § 30-3-150 et seq.

This act provided statutory clarification concerning joint and sole custody of children including enumerating factors for the court to consider as well as dealing with the accessibility of records by both parents. It espoused the policy of encouraging minor children to have frequent and continuing contact with both parents provided that such contact is in the best interest of the children. The act specified that joint custody does not necessarily require equal physical custody. Section 30-3-151 of the act provided definitions for joint legal and physical custody and sole legal and physical custody.

Under Section 30-3-152 the court may award any form of custody that has been determined to be in the best interest of the child. It delineated the factors that the court will consider in determining whether joint custody is in the best interest of the child. Section 30-3-152(c) established a presumption that joint custody will be in the best interest of the child if both parents request joint custody. If the court fails to grant joint custody when requested by both parents, the court must make a specific finding of fact as to why joint custody was not granted.

The parents are required to submit a plan for the court to review concerning specific matters relating to the care and custody of the child if joint custody is to be implemented by the court. In the event that the parties are unable to reach such an agreement then the court will establish a plan.

Unless otherwise prohibited by court order or statute all the records and information pertaining to the child shall be equally available to both parents in all types of custody arrangements. Rule 32 relating to child support guidelines will be followed by the court. The awarding of joint custody does not preclude the court
from later finding that one parent has committed a violation of the UCCJA or the Interference of Custody Act as provided in Section 13A-6-45.

This act does not constitute grounds for modification of an existing order of child custody.

59. **UCC Article 3, Negotiable Instruments**

This bill was passed in 1995 and became effective January 1, 1996. It is located in Title 7 of the Code of Alabama. Prior Articles 3 and 4 were written for a paper-based system. Therefore, they did not adequately address the issues of responsibility and liability as they relate to modern technologies now employed and the check collection procedures required by the current volume of checks.

Revised Article 3 modernized, reorganized and clarified the prior law. The changes to Article 4 are more modest. Article 4 was amended as necessary to conform to changes in Article 3, to modernize it for automated check processing and transaction, and, as feasible, to accommodate the impact of federal Regulation CC. Provisions in Article 4 that are heavily impacted by Regulation CC were largely left alone and retained for non-preempted provisions and for items other than checks. Many of the Official Comments to revised Article 4 direct the reader to those provisions in Regulation CC that impact on Article 4.

Revised Article 3 clarified the types of contracts within Article 3, thus promoting certainty of legal rules and reduced litigation costs and risks. For example, variable rate instruments were included under revised Article 3 (§§ 3-104(a), 3-112), as were traveler's checks (§ 3-104(I)).

Revised Article 3 made clear that a financial institution taking checks for processing or payment by automated means need not manually handle the instrument if such processing is consistent with the institution's procedures and the procedures do not vary unreasonably from those of other banks (§§ 3-103(a)(7), 4-104(c)). These provisions were designed to accommodate and facilitate efficiency, lower costs and recognize the reality of existing check
collection practices mandated by the Expedited Funds Availability Act and Regulation CC.

The definition of bank was expanded for the purposes of Articles 3 and 4 to include savings and loans and credit unions so that their checks were directly governed by the Uniform Commercial Code (§§ 3-103(c), 4-105(1)).

Except as against a holder in due course, § 3-402 allowed a representative to show that the parties did not intend individual liability when the representative signed without adequate indication and representation. The revision allowed full protection to the agent who signs a corporate check, even though the signature does not show representative status. Section 3-402(a) specified that the law of agency will govern whether the person represented will be bound by the signature of the representative.

Revised § 3-404, as in present law, placed the risk of endorsements by imposters, and those generated by dishonest employees drawing instruments for drawers, on drawers, but does not require that the indorsement be in strict conformity with the payee's name to get the benefit (§ 3-404(c)).

Revised § 3-405 expanded the per se negligence rule in present § 3-405 to the case of an indorsement forged by a payee's employee, and in that case and that of the faithless employee who supplies a name to a drawer and then forges the indorsement of the payee, does not require strict conformity to the name to place loss on the drawer or employer. However, any negligence of the bank will be taken into account and a comparative negligence standard is adopted instead of the present absolute rule (§§ 3-404(d), 3-405(b)).

Prior § 3-406 was revised so that negligence of the financial institution does not prevent it from asserting the preclusion, and comparative negligence is also the rule (§ 3-406(b)).

Actions for conversion of instruments are governed by general conversion law (§ 3-420(a)). A payee who never received the check cannot sue a depositary bank for dealing with a check
with a forged indorsement (§ 3-420(a)(ii)). What a joint payee can recover was clarified in missing indorsement cases (§ 3-420(b)). A depositary bank is made liable in conversion for acting inconsistently with the owner's rights when an indorsement is unauthorized and the revision blocks suit by the drawer for conversion (§§ 3-420(a)).

60. **UCC Article 4, Bank Deposits & Collections**

This act was passed in 1995 and became effective January 1, 1996. It is located in Title 7 of the Code of Alabama. The American Law Institute and the National Conference of Commissioners on Uniform State Laws revised Articles 3 and 4 in conjunction with Article 4A, regarding fund transfers. The efforts to revise these articles were undertaken for the purpose of revising the laws to accommodate the modern technologies and practices involved in the banking area.

An important goal of the 1990 revision of Article 4 was to promote the efficiency of the check collection process by making the provisions for Article 4 more compatible with the needs of an automated system and, thus, increasing the speed and lowering the cost of check collections for those who write and receive checks. An additional goal of the revision was to remove any statutory barriers in the Article to the ultimate adoptions of programs allowing the presentment of checks to payor banks by electronic transmission. Thus, resulting in a great savings in time and the expense of transporting the huge volumes of checks from the depository to pay our banks.

Article 4 defined the rights between parties with respect to bank deposits and collections. It is not a regulatory statute and, thus, does not regulate the terms of the bank-customer agreement, nor does it prescribe what constraints different jurisdictions may wish to impose on that relationship in the area of consumer protections.

The revision created a legal framework which accommodated automation and truncation for the benefit of all bank customers. Any potential consumer problems which might
arise from these changes were left with enacting jurisdictions to address through individual legislation.

Also addressed in this article were specifically overlapping problems and conflicts that might arise between Article 4 and Article 9.

61. **Unincorporated Nonprofit Association Act**

This act was passed in 1995 and became effective January 1, 1996. It is codified at Ala. Code § 10-3B-1 et. seq.

This act reformed the common law concerning unincorporated, nonprofit associations in three basic areas -- authority to acquire, hold, and transfer property, especially real property; authority to sue and be sued as an entity; and contract and tort liability of officers and members of the association. It also provides a default provision for the governance of such associations. It is based generally on the 1992 Uniform Unincorporated Nonprofit Association Act adopted by the Commission on Uniform State Law, and referred to hereafter as the "Uniform Act." The commentary was taken primarily from the Uniform Act with changes and additions to reflect Alabama law.

This law dealt with a limited number of the major issues relating to unincorporated, nonprofit associations in an integrated and consistent manner. Statutes dealing with particular types of unincorporated associations, including those in Title 10, Chapter 4 of the Alabama code, and those dealing with agricultural cooperatives in Title 2, Chapter 10 of the Alabama Code are not affected by the act.

Similarly, passage of this law nevertheless, left other matters relating to unincorporated, nonprofit associations to the state's common law or to statutes on the subject, where they exist. Alabama has statutes at Title 10, Chapter 4 dealing with special kinds of associations, such as churches, mutual benefit societies, fraternal orders, and cooperatives. Statutes such as Ala. Code § 6-3-4, dealing with venue for actions against an unincorporated organization or association, remain applicable.
This act applied to all unincorporated, nonprofit associations. Nonprofit organizations are often classified as public benefit, mutual benefit, or religious. For purposes of this act, it is unnecessary to treat differently these three categories of unincorporated, nonprofit associations. Unlike some state laws, it is not confined to the nonprofit organizations recognized as nonprofit under Section 501(c)(3), (4), and (6) of the Internal Revenue Code. There is no principled basis for excluding any nonprofit association. Therefore, this law covered unincorporated philanthropic, educational, scientific, and literary clubs, unions, trade associations, political organizations, cooperatives, churches, hospitals, condominium associations, neighborhood associations, and all other unincorporated, nonprofit associations. Their members may be individuals, corporations, other legal entities, or a mix.

This law was designed to cover all of these associations to the extent possible. To the extent that Title 10, Chapter 4 of the Code of Alabama and other Code provisions deal with special types of nonprofit associations, this bill supplemented existing legislation.

The basic approach of the act was that an unincorporated, nonprofit association is a legal entity for the purposes that the bill addresses. It did not make these associations legal entities for all purposes. It is left to the courts of Alabama to determine whether to use this law by analogy to conclude that an association is a legal entity for some other purpose.

It should be noted, too, that many of the provisions were intended to be supplemented by existing provisions of Alabama law. For example, § 10-3B-6, which provides for the recording of a statement of association authority, does not provide details concerning the filing process. It leaves to state law the details as whether the filing officer returns a copy marked "filed" and stamps the hour and date thereof, and the amount of the filing fee.

It should be emphasized also that this act was needed for the informal nonprofit organizations that do not have legal advice and so may not consider whether to incorporate.
62. **Divorce, Retirement Benefits**


Formally, the retirement benefits were excluded from consideration by the court when property was divided upon divorce. In a case decided in 1993, the courts began to divide retirement benefits upon divorce. This act amends the code section to provide statutorily for the trial court to have discretion to include the present value of future or current vested retirement benefits in making a property settlement upon divorce. However, certain conditions must be met.

Subsection (b) delineates that three conditions must be met in order for the judge to have the authority to divide the retirement benefit. First, the parties must have been married for a period of ten years during which the retirement was accumulated. The ten year requirement was selected because it is the same time requirement used for a spouse to draw social security benefits based on a former spouse's work record. Second, the court may not include the value of any retirement benefits that were acquired prior to the marriage including any interest or appreciation from those benefits that were acquired prior to marriage. Finally, the total amount of the retirement benefits that are paid to the non-covered spouse may not exceed 50% of the retirement benefits.

Under subsection (c) if the court determines that the covered spouse's benefits should be distributed to a non-covered spouse those benefits are not payable to the non-covered spouse until the covered spouse begins to receive his or her retirement benefits or reaches the age of sixty-five years old unless both parties agree to a lump sum settlement that is payable in one or more installments.

63. **Divorce, Cooling-Off Period**

This act passed as Senate Bill 14 in the 1996 Special Session. It became effective January 1, 1997.
This act was designed to mandate a "Cooling Off Period", thereby, enabling couples to have an opportunity to contemplate the ramifications of their actions prior to obtaining a divorce. Under prior Alabama law, there was no waiting period for couples to obtain a divorce. A couple, both of whom resided in Alabama, formally could have been granted a divorce on the same day on which the petition was filed.

This act changed the law so that the court could not issue a final decree until at least thirty days elapsed from the date of the filing of the summons and the complaint in a divorce action.

Subsection (b) of Section 1 authorized the court during the waiting period to enter such temporary orders as are necessary concerning custody or support prior to the expiration of the waiting period.

64. Rules of Evidence

These Rules were adopted by the Alabama Supreme Court and became effective January 1, 1996.

The Alabama Supreme Court requested the Alabama Law Institute to undertake a study of revising the Rules of Evidence. The committee began its study on September 9, 1988 and met approximately every six to eight weeks for four and a half years. The Alabama Rules of Evidence were presented to the Supreme Court who held several hearings on the rules. The rules were presented to the State Bar for study and comment before adoption.

The Federal Rules of Evidence were used as the model. A consensus developed that the federal rules would be adopted unless there were good reasons to deviate from them. Accordingly, some of these rules differ significantly from the corresponding federal rule. The differences usually resulted in either modifying the federal rule or replacing it altogether with the preexisting Alabama common law principle. However, it was agreed to model the work on privileges after a combination of the Uniform Rules of Evidence and the preexisting Alabama privilege statutes since the original proposed federal rules on privileges had been rejected.
In most instances, these rules continue the historic Alabama law of evidence either identically or with slight modification or expansion. Some rules, however, do abrogate preexisting Alabama law. Where change occurs it generally is to implement the overall policy of promoting greater admissibility. These rules mark a shift from a system of exclusion to one of admissibility.

**1990-1994 Quadrennium**

65. **Rules of Civil Procedure**

The Alabama Supreme Court adopted amended rule changes which became effective October 1, 1995.

The Alabama Rules of Civil Procedure were 20 years old on July 3, 1993. The Federal Rules of Civil Procedure have undergone significant changes since the Alabama Rules were patterned after them in a project that ran from 1971 to 1973. The Institute requested funds from the State Bar's IOLTA to conduct this review. Funds were made available and Attorney Champ Lyons of Mobile compared the current Federal Rules with Alabama's Civil Rules. A number of changes were recommended and presented to the Civil Rules Committee and later to the Supreme Court.

66. **Revised Business Corporations**

This act was passed in 1994 and became effective January 1, 1995. It is codified in Ala. Code §§ 10-2B-1.01 et. seq.

This act was based on the 1984 Revised Model Business Corporation Act but included changes recommended by the ABA Committee since 1984.

This act continued the filing system under the former Alabama act under which the principal filing office for corporate documents is the office of the probate judge of the county in which the initial registered office of the corporation is located. This differs from the ABA version of the Revised Model Business Corporation Act, under which the secretary of state's office is the principal filing office. Section 1.25 is the provision of the act that
details in which office various documents are to be filed. The requirements for the articles of incorporation were somewhat streamlined, but, unlike the ABA version of the Revised Act, continued to require that a corporate purpose be stated and that the initial directors be designated. Section 2.02. One change from the old Alabama act is to permit the initial bylaws to be adopted by the directors. Section 2.06(a).

The "deceptively similar" test for the availability of a corporate name is continued. Section 4.01.

The concept of treasury shares is continued because of the restrictions on issuance of shares in the Alabama Constitution since the Alabama Supreme Court has held that a corporation's sale of treasury shares is not an "issuance" subject to the Constitutional restrictions. Brumfield v. Horn, 547 So. 2d 415 (Ala. 1989).

Shareholders. This act resolved three important issues as to shareholder meetings not addressed in the prior act.

While the prior act recognized that a shareholder can expressly waive notice of a shareholder's meeting, Alabama Code § 10-2A-49, did not address the question of whether a shareholder's attendance at the meeting constituted a waiver. Section 7.05(b) of this act provided that unless a shareholder makes an appropriate objection, his attendance at the meeting waives objection to lack of notice. This parallels the rule as to directors under former law. Alabama Code § 10-2A-65.

A second issue left unresolved under prior law was whether a shareholder could withdraw from a meeting and thereby "break the quorum." The commentary to Alabama Code, Section 10-2A-52 of the prior act noted that the prior act was silent on that question. The new law gave a shareholder the power to break a quorum by withdrawal.

A third issue unresolved under the prior act was whether a shareholder voting agreement is specifically enforceable. Section 7.31(a) declared that it was.
67. **Limited Liability Companies**

This act was passed in 1993 and became effective October 1, 1993. It is codified in Ala. Code §§ 10-12-1 et. seq.

A limited liability company is a hybrid version of a corporation and a partnership. It offers its equity investors protection from personal liability while being classified as a partnership for federal income tax purposes. Thus, it can avoid federal corporate-level tax and pass through profits and losses to its members.

The Wyoming statute was used initially as the model, in part perhaps because it had already received a favorable Revenue Ruling by the IRS. In its ruling the IRS decided that the limited liability company lacked the two corporate characteristics of free transferability of interest and continuity of life, while having the two corporate characteristics of limited liability and centralization of management. Thereby achieving tax classification as a partnership. Alabama initially followed many of the concepts of the Wyoming statute, the final draft, however, added some additional provisions from the ABA Model Act and Uniform Commissioners on State Laws' initial draft.

68. **Criminal Pattern Jury Instructions, 1979, 1989, 1993**

After the enactment of the Criminal Code in 1977 and at the request of the Administrative Office of Courts, the Institute and several judges developed the Criminal Jury Charges.

In 1979 the Criminal Pattern Jury Instructions were completed under the chairmanship of Circuit Judge Joseph Colquitt. The Criminal Pattern Jury Charge Committee drafted jury charges to accompany the implementation of the new Criminal Code. The committee began working July, 1977 and completed comprehensive drafts of charges in four major felonies: homicide, theft, burglary, and robbery. Prior to the effective date of the Criminal Code, the committee drafted the balance of the charges. The committee drafts included general instructions as well as lesser included charges. The draft was submitted to the Alabama Supreme Court and is in use today.
At the request of the Administrative Office of Courts, the Institute and several judges revised the Alabama Criminal Pattern Jury Instructions in 1989. The original work was completed in 1979 and had not been updated. There had been a substantial amount of change in criminal law, both legislative and case law since that time. The 1989 revision reflected those changes. It was also reorganized to more closely parallel the Criminal Code.

The 1993 revision added jury charges to include a number of lesser included offenses that were not covered under the 1989 edition. Additionally, capital jury charges were added. Judge Joe Colquitt also led the drafting of this edition.

69. **Probate Procedure Act**

This act was passed in 1993 and became effective January 1, 1994. It is codified as Ala. Code §§ 43-2-830 et. seq.

Upon death, real property passes to the devisees or the heirs and personal property passes to the personal representatives for distribution to the devisees or heirs.

All of the decedent's property is subject to homestead allowance, exempt property, family allowance, rights of creditors, elective share of the surviving spouse, and to administration. § 43-2-830.

Although the duties and powers of a personal representative commences upon appointment, the powers relate back with regard to acts which are beneficial to the estate performed by the personal representative prior to the appointment. Even prior to the appointment, the personal representative may carry out the written instructions of the decedent relating to the decedent's body, funeral, and burial arrangements. § 43-2-821.

The personal representative is a fiduciary who must follow the prudent person standard and if named as the personal representative because of special skills, is under a duty to use those skills. § 43-2-833.
Unless the will provides otherwise, the personal representative will usually have to file an inventory within two months. The inventory shall be sent by the personal representative to any interested person who requests it. § 43-2-835.

The personal representative shall make a supplement to the initial inventory if additional property is located or to change erroneous market values or descriptions. § 43-2-836.

Except as provided by will, the personal representative shall take possession or control of the decedent's property, except that any real property or tangible personal property may be left with or surrendered to the person presumptively entitled to it until the personal representative needs it for purposes of administration. A personal representative's written request for delivery is conclusive evidence of its necessity for administration.

The personal representative may pay taxes and expenses necessary to manage, protect and preserve the property. § 43-2-837.

Section 43-2-843 of the Code of Alabama parallels the conservatorship law in that it enumerates actions that the personal representative may take without prior court approval unless the will or court specifically otherwise restricts the action.

Section 43-2-844 of the Code of Alabama parallels the conservatorship laws in that it enumerates actions that may only be taken with prior court approval unless the will expressly authorizes such action.

A personal representative is entitled to reasonable compensation. Factors to consider as guides in determining the reasonableness of the fee are established. Subsection (b) provides that the personal representative may under certain circumstances renounce the provisions in a will related to compensation and receive reasonable compensation. § 43-2-848.

The personal representative is entitled to receive necessary expenses and disbursements including reasonable attorney's fees for defending or prosecuting an action. § 43-2-849.
After notice to all interested parties, the court may review the reasonableness of the compensation paid out of the estate and order a refund for any excessive compensation. § 43-2-850.

Unless waived in the will, the personal representative must execute a bond or give collateral generally equal to the amount under the personal representative's control less the value of property under § 43-2-843 that can only be sold or conveyed with court authority. Also, the court may waive the bond with the consent of all interested parties.

Even though the bond is waived in a will, it may nevertheless be required by the court under limited circumstances such as the likelihood of waste occurring otherwise. § 43-2-851.

The terms and requirements of the bond, such as the joint and several liability of the personal representative and sureties are established in § 43-2-852 of the Code of Alabama.

Estates filed prior to January 1, 1994 continue under the old law unless they elect to come under the new law.

70. Administrative Procedure Amendments

The amendments to the Administrative Procedure Act were passed in 1993 and became effective July 1, 1993.

After working under the Administrative Procedure Act for approximately ten years, the committee reconvened to determine if there were any problems that needed to be addressed. Various agencies and interested parties submitted their suggestions for revisions to the committee. After several meetings the committee submitted a bill to accommodate most of those suggestions.

The following sections were amended as follows:

§ 41-22-5 - The amendment to this section clarified that an agency rule may set the comment period on a rule to be between 35 to 90 days. If the agency takes action, it must then be filed with the Legislative Reference Service within 90 days after the end of
the comment period. Once filed with Legislative Reference Service, the Legislative Review Committee has 35 more days to act. This gives the Legislative Review Committee additional time to meet and review agencies rules.

§ 41-22-6 - The amendment to this section clarified that completion of notice of the agencies action is the end of the notice period and not the beginning. Any rule not filed with Legislative Reference Service is invalid.

The amendment clarified that a rule is effective 35 days after filing with Legislative Reference Service unless:

(1) a later date is required by statute or rule;
(2) an earlier date is required by statute;
(3) it is an emergency rule; or
(4) the committee disapproves it.

§ 41-22-12 - In contested cases, the act provided for subpoenas, discovery and protective orders in accordance with the rules of civil procedure. This can only be enforced by a court. This section does not apply to the Ethics Commission.

§ 41-22-20 - The amendments to this section:

(1) Clarified that judicial review may be either under this act or as otherwise provided by agency law;
(2) Clarified that the time of appeal after rehearing begins running when notice of service is received;
(3) Clarified that all parties to the agency proceeding will be made parties in an appeal proceeding, and
(4) Clarified that an agency action may be reversed or modified if the petitioners rights are prejudice by any one or more of the seven enumerated reasons.

§ 41-22-22 - The amendment clarified that a quorum for the Administrative Review Committee to be the same as for the Legislative Council. (At the time of this revision there were 22 members of the Legislative Council, but quorum for the Council is set by statute to be nine).
71. **UCC Article 2A - Leases**

This act was passed in 1992 and became effective on January 1, 1993. It is codified at 7-2A-101 et. seq.

A lease is a contract, subject to contract law construction and enforcement principles. In Alabama, leases have been construed and enforced in a manner generally consistent with contract principles. There has, however, been a dearth of case law applying contract law to leases. Therefore, transactors have been left with little guidance in formulating the contours of their lease transactions. While general contract principles developed in other contexts are certainly competent to address and resolve a broad array of leasing issues, it is less clear that the general contract law is the best source of guidance for determining controversies involving considerations fundamental to the commercial law.

The drafting committee of the Uniform Act then identified and resolved several issues critical to codification:

**Scope:** The scope of the Article was limited to leases (Section 2A-102). There was no need to include leases intended as security, i.e., security interests disguised as leases, as they are adequately treated in Article 9. Further, even if leases intended as security were included, the need to preserve the distinction would remain, as policy suggests treatment significantly different from that accorded leases.

**Definition of Lease:** Lease was defined to exclude leases intended as security (Section 2A-103(1)(j)). Given the litigation to date a revised definition of security interest was suggested for inclusion in the Act. (Section 1-201(37)). This revision sharpens the distinction between leases and security interests disguised as leases.

**Filing:** The lessor was not required to file a financing statement against the lessee or take any other action to protect the lessor's interest in the goods Section 2A-301). The refined definition of security interest will more clearly signal the need to file to potential lessors of goods. Those lessors who are concerned will file a protective financing statement (Section 9-408).
Warranties: All of the express and implied warranties of the Article on Sales (Article 2) were included (Sections 2A-210 through 2A-216), revised to reflect differences in lease transactions. The lease of goods is sufficiently similar to the sale of goods to justify this decision. Further, many courts have reached the same decision.

Certificate of Title Laws: Many leasing transactions involve goods subject to certificate of title statutes. To avoid conflict with those statutes, this Article is subject to them. (Section 2A-104(1)(a)).

Consumer Leases: Many leasing transactions involve parties subject to consumer protection statutes or decisions. To avoid conflict with those laws this Article is subject to them to the extent provided in Section 2A-104(1)(c) and (2). Further, certain consumer protections have been incorporated in the Article.

Finance Leases: Certain leasing transactions substitute the supplier of the goods for the lessor as the party responsible to the lessee with respect to warranties and the like. The definition of finance lease (Section 2A-103(1)(g)) was developed to describe these transactions. Various sections of the Article implement the substitution of the supplier for the lessor, including Sections 2A-209 and 2A-407. No attempt was made to fashion a special rule where the finance lessor is an affiliate of the supplier of goods; this is to be developed by the courts, case by case.

Sale and Leaseback: Sale and leaseback transactions are becoming increasingly common. A number of state statutes treat transactions where possession is retained by the seller as fraudulent per se or prima facie fraudulent. That position is not in accord with modern practice and thus is changed by the Article "if the buyer bought for value and in good faith" (Section 2A-308(3)).

Remedies: The Article has not only provided for lessor's remedies upon default by the lessee (Sections 2A-523 through 2A-531), but also for lessee's remedies upon default by the lessor (Sections 2A-508 through 2A-522). This is a significant departure from Article 9, which provides remedies only for the secured party
upon default by the debtor. This difference is compelled by the bilateral nature of the obligations between the parties to a lease.

Damages: Many leasing transactions are predicated on the parties' ability to stipulate an appropriate measure of damages in the event of default. The rule with respect to sales of goods (Section 2-718) is not sufficiently flexible to accommodate this practice. Consistent with the common law emphasis upon freedom to contract, the Article has created a revised rule that allows greater flexibility with respect to leases of goods (Section 2A-504(1)).

Though the Alabama act may occasionally differ in its formulation, the act is generally consistent with the approach of the Uniform Act with regard to the critical issues.

72. **Family Law/Children’s Code, 1993**

The committee met for two years on a variety of topics relating to children and family law. They completed drafts of the following five family law bills:

1. Legal separation;
2. Cooling off period;
3. Joint custody;
4. Retirement;
5. Punitive father’s registry.

The committee also considered the Uniform Interstate Family Support Act.

73. **UCC Article 4A - Funds Transfers**

This act was passed in 1992 and became effective January 1, 1993. It is codified at 7-4A-101 et. seq.

Article 4A of the UCC was developed to fill a void in the law relating to a type of payment made through the banking system called a "funds transfer." Generally a "funds transfer is a large, rapid money transfer between commercial entities." For example, the average transfer involves $5,000,000. Consumer transactions, such as credit cards, debit cards, automated teller machine transfers
and checks, are governed by the Electronic Funds Transfer Act and not by this Article.

Although there is no comprehensive law governing commercial "funds transfers," Regulation J (federal law) covers the interbank part of any commercial "funds transfer" by the Federal Reserve network. Article 4A and Regulation J are compatible, embodying the same concepts. Thus, even though a majority of the "funds transfers" occurring in Alabama are covered under Regulation J, many transactions occur with no comprehensive rules and no readily ascertainable established law governing those transactions. Hence, the need for a comprehensive set of rules to govern these transactions.

Article 4A was designed to establish rules covering the rights and obligations connected with "funds transfers." The article balances the interest of banks, commercial users of this payment method and the public concerning such problems as: unauthorized payment orders; improper execution of payment orders; fraud; and, insolvency of participating banks. The article specified who takes the risk of loss, who will be liable and what damages may be assessed.

Uniformity with Regulation J and with the majority of states who have enacted 4A is important to maintain a speedy and inexpensive system to transfer funds as Alabama expands into other national and international markets. A lack of uniformity could result in an inexperienced business person or entity inadvertently incurring excessive liability.

1986-1990 Quadrennium

74. Condominium Act

This act, codified as Ala. Code § 35-8A-101, became effective January 1, 1991. This act updated a 1973 statute by clarifying numerous technical matters relative to realty recordation, legal descriptions, insurance, termination, apartment conversions, and escrow of deposits, among others. It is a balanced re-adjustment of the authority of the developer, the condominium association and the condominium unit owners.
The following is a summary of the major changes:

Developer. The developer ("declarant" in the act) was given certain "development" rights which provide greater flexibility in development, especially in the "staged" development of low-rise condominiums. It also protected the developer from some types of interference by the association during the construction and marketing phases.

Association. The act regulated the transfer of control over the association from the developer to the public unit buyers. Associations are required to be incorporated. The act strengthened the authority of the associations regarding the enforcement of fines and assessments owed by unit owners, which can be foreclosed in the manner of a mortgage and giving such obligations a limited protection from being cut off by a foreclosure of a first mortgage on the unit.

Unit Buyers. The initial public unit buyers are protected by requiring the developer to disclose matters which might affect the success of the development and the buyer's obligations. The developer must deliver to the initial buyers an offering statement containing the condominium documentation, current rules, covenants, and financial information. There is a seven day "cooling off" period after the delivery of the statement before a contract of purchase is enforceable. A penalty is provided for a conveyance without a delivery of the offering statement. Subsequent buyers are also protected by requiring, if a later buyer requests it, a disclosure of some of the same material by the seller and the association.

Buyers are protected by permitting the association to cancel unfavorable long term management contracts and recreation leases imposed by the developer on the association while the developer controls it. Unit buyers are protected from each other by requiring the condominium declaration to state limitations on use, occupancy, sales and leasing. The declaration also sets voting limitations on amendments to the declaration.
75. **Adoption Code**

The Alabama Adoption Code, codified as Ala. Code § 26-10A-1, is based on the ABA Model Adoption Code and expanded and strengthened the current law in Alabama related to adoption. This act became effective January 1, 1991.

There are several significant improvements in the law. The first was to increase the criminal sanctions against individuals who attempt to profit from buying and selling children.

The second improvement was to expand the consent or relinquishment for adoption provisions. It is felt that the current statutes do not fulfill constitutional requirements and consequently may result in potential problems with children who are adopted without proper parental consent or relinquishment.

Third, confidentiality has been modified to increase the amount of non-identifying information available to the adult adoptee while safeguarding the identity of the natural parents who do not wish to be identified.

The final significant change was to clarify the inheritance laws concerning adopted children.

This act repealed the current statutes relating to adoption of children and repealed the provisions allowing for adult adoptions for inheritance purposes.

76. **Alabama Securities Act**

This act became effective January 1, 1991. The act is codified as Ala. Code § 8-6-1. The most significant substantive changes are as follows:

1. Transactional exemption from registration: This law, at Alabama Code § 8-6-11(a)(9), substituted the "purchaser" concept for the revised "offeree" concept in determining the availability of a statutory exemption from registration for offerings of securities to a limited number of investors. Under the prior law, an offer of securities made to more than ten persons, regardless of
how many of these actually purchase the securities, would render the exemption unavailable. Under the act, an offer can be extended to more than ten persons and is exempt from registration as long as there were no more than ten purchasers of the securities.

(2) Marketplace exemption from registration: This provision, at Alabama Code § 8-6-10(7), extended the previous exemption of exchange-listed securities to all securities, whether exchange-listed or traded in the over-the-counter market, which are designated as "national market system" securities and meet existing listing criteria of the New York Stock Exchange, the American Stock Exchange or NASDAQ/NMS markets.

(3) Regulation of investment advisers: This provided regulatory protection to investors who deal with investment advisers. Similar regulation has been enacted by approximately 40 other states to combat frauds estimated to be annually in excess of $500,000,000. It prohibited a number of fraudulent and abusive practices and requires registration similar to that already required of broker/dealers in this state.

(4) Registration by notification: This expanded the availability of registration by notification, the simplest method of registration under the statute. It is available to all exchange-listed and over-the-counter securities which are designated as "national market system" securities, in addition to the seasoned issuers for whom the procedure was previously available.

(5) Registration by qualification: This eliminated several requirements which practitioners have viewed as unnecessary impediments to the procedure for full registration. The revisions include the elimination of the bond requirement for issuers and the requirement that any applicant for registration be a dealer.

The foregoing represents some of the more significant substantive revisions. In addition, the notice and hearing provisions of the statute were amended to conform with the Alabama Administrative Procedures Act.
77. **Rules of Criminal Procedure**

The Alabama Supreme Court approved the Alabama Rules of Criminal Procedure as a rule of court effective January 1, 1991.

These rules were a culmination of work that began in January 1975. A draft was presented to the Court in June 1977. The Court circulated a copy of the Proposed Rules to each member of the Alabama Bar in August 1977.

The Court reviewed the Rules, made some changes and returned them to the Committee for additional study. The Committee re-presented the Rules to the Court in January 1983. In June 1989, the Court approved the Rules and published them in the November 30, 1989 West Southern Reporter advance sheets.

This comprehensive Code of Criminal Rules brought together for the first time the rules for the orderly disposition of criminal cases in the District and Circuit courts in Alabama.

The 36 rules included arrests, preliminary hearings, release, speedy trials, mental competency, juries, trials, verdicts, sentencing, probation and appeals. These rules also provided 110 exemplary forms.

78. **Alabama Fraudulent Transfers Act**

This act was passed in 1989 and became effective January 1, 1990. It is codified as Ala. Code § 8-9A-1 through § 8-9A-12.

This act followed the 1985 version of the Uniform Fraudulent Transfers Act adopted by 20 states. It made Alabama compatible with the Bankruptcy Code.

This act defined "actual" fraud, generally the same as the prior Alabama law, by requiring actual intent to defraud, however, it also identifies a list of factors the court may consider in determining intent. The act further addressed "constructive" fraud which must include inadequate consideration and enumerates factors for consideration.
79. **Memorandum of Leases Act**

Ala. Code Section 35-4-6 was amended in 1989 to allow a memorandum of the lease to be recorded or the lease itself. The act became effective January 1, 1990.

A lease must be recorded within one year after execution for it to be enforceable beyond twenty years. The memorandum must state:

1. names of parties
2. term of lease
3. any options
4. legal description
5. any other provision

80. **Federal Lien Registration Act**

This act passed the Legislature in 1989 and follows the Uniform Federal Lien Registration Act drafted by the Commissioners on Uniform State Laws. It is codified at Ala. Code § 35-11-42 and became effective January 1, 1990.

Enactment was needed because Section 6323 of IRS Code (PL. 89-719, Federal Tax Lien Act of 1966) requires the state to designate an office for filing federal liens. In the absence of a statute, filing is with the clerk of the U.S. District Court. Under this law, filing is basically as follows:

a. real property - local probate office
b. personal property:
   1. corporation or partnership - secretary of state
   2. trust - secretary of state
   3. decedent’s estate - probate office
   4. all other cases - probate office

Fees are the same as Uniform Commercial Code filings.
81. **Notice for Statute of Nonclaims Act**


This act cures the constitutional problems raised in the cases by requiring notice to be mailed to all known creditors as well as published in the paper.

82. **Redemption of Real Estate Act**

This act was passed in 1988 and became effective January 1, 1989 and is codified as Ala. Code §§ 6-5-247 through 257.

The act repealed §§ 6-5-230 through 246 and clarified the law of redemption of real property by codifying case law as well as revising the statutory law.

Specifically the act clarified who is entitled to redeem and their priorities. It also delineated what are allowable charges that may be added to the foreclosure sale price. The act retained the one year redemption period.

83. **Power of Sale Contained in Mortgages**

This act passed in 1988 and is codified as Ala. Code §§ 35-10-11 through 16 and became effective January 1, 1989. This law effected only those mortgages that were executed after December 31, 1988. The primary change from prior law is that it required one to foreclose through the court on mortgages that are silent as to how a foreclosure is to be conducted. The purpose of this change was to avoid any possible constitutional challenge because of "state action."
84. **Trade Names**

With passage of the Alabama Trademark Act in 1987, Alabama for the first time had a statutory system for the registration of trademarks and service marks. Ownership of such marks is established by common law through use. With registration, trademarks and service marks owners could put others on notice of their ownership claims. However, there has been no statutory scheme for registration of trade (business) names, ownership of which also is established by common law through use. Many practitioners go to great efforts to cast such names as service marks in order to obtain registration. Some even treat corporate name reservation as if it were a trade name registration system, apparently unaware that such reservation neither creates ownership rights nor serves as constructive notice of ownership claims.

This act found in Ala. Code § 8-12-20 et. seq. did not create an entire new registration scheme. Rather, it revised the classifications of the present trademark scheme to coincide with the federal and international registration classifications and added trade names. Under both Alabama and federal law, trademarks and service marks are registrable. Such marks, however, must be the names of products or services. Names under which persons or companies are known and do business previously were not registrable. This act, effective January 1, 1989, provided effective means for a business to put others on notice of its claims to its business name.

85. **Uniform Guardianship and Protective Proceedings Act**

The Alabama Uniform Guardianship and Protective Proceedings Act (AUGPPA) was passed by the Legislature in 1987 and became effective January 1, 1988. It is found at Ala. Code § 26-2A-1 et. seq.

The act was based, to a large extent, on Parts 1, 2, 3 and 4 of Article V of the Uniform Probate Code. AUGPPA covers guardianships for minors, guardianships for reasons other than minority, and protective proceedings seeking court-appointed conservators or other protective orders for the estate concerns of
The act has several features which represent significant improvements over prior Alabama law.

First, this act distinguished between "guardians" of the person and "conservators" of the estates of wards. Previous to this act, Alabama used one term, "guardian," to characterize the duties and responsibilities of both of these offices. The single-term designation is ambiguous and not only confusing to persons dealing with the "guardian," but it also is confusing to the fiduciary acting in that capacity. Use of the two designations, even though one person may be acting in both capacities, provides a much needed clarification.

Second, this act gave definition to the procedures for appointing guardians and conservators and to their respective powers and duties that had been lacking in Alabama. While Alabama has had guardianships for many years and, therefore, it cannot be said that procedures for appointing guardians were nonexistent, the procedures needed refinement and definition to make them clearer. More clearly stated procedures made these procedures more consistent throughout the state. A severe gap in Alabama law existed with respect to the powers and duties of guardians. This act made an enormous contribution with respect to the powers and duties of guardians and conservators.

Third, prior to this act for most of Alabama's history, guardians could be appointed only for minors and "incompetents." Even though there might be agreement that an individual needed help in their business or personal affairs, there was and is a stigma that accompanies having that individual judicially declared an "incompetent." This act used the term, "incapacitated," and greatly expands the various grounds for appointment of a guardian or conservator based on the definition of "incapacity." While Alabama has adopted this broader concept in some instances (e.g., with regard to "curators" and in the Adult Protective Services Act), this act consolidated the concept in one comprehensive act and gives more definition to the concept.
86. **Deed in Lieu of Foreclosure**

This law was passed in 1987 and became effective August 12, 1987 and is codified as Ala. Code § 35-10-50.

Over the years numerous instruments often styled "Deed In Lieu of Foreclosure" have been recorded in Alabama. Usually these documents are conveyances from a mortgagor to a mortgagee of the equity of redemption. The practice has caused a great deal of confusion among real estate people, lawyers, title examiners and the general population. It has been said that these conveyances are foreclosure deeds, from which the statutory right of redemption emerges and that they preclude other lien holders from redeeming the property to protect their interests.

There is little doubt that these conveyances are not foreclosure deeds and they do not give rise to the statutory right of redemption. In addition, such deeds do not adversely affect the rights of persons who are not parties to the instrument.

This statute explained and rationalized the subsequent release of a mortgagor’s equity of redemption to the mortgagee. The statute clearly described the law which exists, to the effect that deeds from mortgagors to mortgagees affect only the rights and obligations of the parties to the deed. Because the instrument is a private transaction between the mortgagor and the mortgagee there is no foreclosure of the security interest and no statutory right of redemption arises. The rights of other lien holders, judgment creditors or other interests are not affected.

87. **Trade Secrets Acts**

This act was enacted by the Legislature in 1987 and became effective August 12, 1987. Ala. Code § 8-27-1 et. seq.

Trade secret law unlike patent or copyright law does not create a property interest in intellectual property rather it controls the means by which certain knowledge may be acquired. For there to be trade secret protection there must first be a trade secret. To be a trade secret there must be a secret. That is, a device or process must not be generally known. Second, a device or process
must be used in one's trade or business on a continuing basis. Third, the device or process, while it need not give one an advantage over his competitors, must give one the opportunity to gain an advantage over his competitors.

The secrecy element in addition to requiring that the device or process not be generally known also requires that reasonable steps be taken to prevent others from acquiring the information as stated above. Trade secret protection does not protect the device or process itself. Rather, it protects the possessor of the trade secret from the use of improper means in acquiring the trade secret. This usually means protection against the acquisition of a trade secret by means of breach of a confident.

The proper means of discovering another trade secret are independent development, reverse engineering, and purchase from the owner of the trade secret or from a third person without notice that the third person has improperly obtained the trade secret. In the case of a trade secret obtained from a third person without notice, one is not liable for obtaining the trade secret if he either paid value for the secret or changed his position in such a way that subject him to liability would be inequitable.

The duration of a trade secret is as long as and only as long as the device or process remains secret. It follows from this that damages or injunctive relief are measured by the expected life of the trade secret absent its improper acquisition.

This act defined a trade secret as follows: "The whole or any part of any scientific or technical information, design, process, procedure, formula, or improvement that has value and that the owner has taken measures to prevent from becoming available to persons other than those selected by the owner to have access for limited purposes."

**1982-1986 Quadrennium**

**88. Alabama Uniform Transfers to Minors**

This act was passed by the Legislature in 1986 and became effective October 1, 1986. Alabama Code §§ 35-5A-1 through 24.
The Uniform Transfers to Minors Act (UTMA) expanded the scope of the Uniform Gifts to Minors Act (UGMA). The UGMA provided for gifts of money, securities and insurance policy proceeds to minor donees under the protection of a custodian. The UGMA was revised in 1966, but Alabama enacted the earlier version in 1957 and amended it to permit transfers by will and insurance policy proceeds. The primary advantages of this custodial mechanism, as compared with trusts, conservatorships and the like, are its economy and informality. The proposed UTMA expanded the UGMA's custodial mechanism so as to permit the transfer of personal and real property.

89. Uniform Enforcement of Foreign Judgments Act

This act was passed by the Legislature in 1986 and became effective October 2, 1986. It is codified in Alabama Code §§ 6-9-230 through 238.

The purpose of the Alabama Uniform Enforcement of Foreign Judgments Act was to simplify the method of giving recognition and effect to the judgments of other states in the courts of Alabama by means of legislation, already adopted in a majority of states, designed to provide for a simple filing procedure.

In 1948, the National Conference of Commissioners on Uniform State Laws and the American Bar Association approved the original Uniform Enforcement of Foreign Judgments Act. This act was a distinct advance over the usual method. It provided a summary judgment procedure for actions on foreign judgments. Even this advance, however, fell far short of the method provided by Congress in 1948 for the inter-district enforcement of the judgments of the Federal District Courts. 28 U.S.C. § 1963. Further, widespread adoption by the states of some form of the Federal Rules of Civil Procedure which include regular summary judgment practice made special summary judgment acts superfluous.

This 1964 revision of the Uniform Enforcement of Foreign Judgments Act adopted the practice which, in substance, is used in Federal courts. It provided the enacting state with a speedy and
economical method of doing that which it is required to do by the Constitution of the United States. It also relieved creditors and debtors of the additional cost and harassment of further litigation which would otherwise be incident to the enforcement of the foreign judgment. This act offered the states a chance to achieve uniformity in a field where uniformity is highly desirable.

90. **Eminent Domain Code**

The 1985 Legislature enacted a new Eminent Domain Code which became effective January 1, 1986. The act is codified in Alabama Code §§ 18-1A-1 et. seq.

The constitutional promise contained in the Fifth Amendment to the Federal Constitution and Sections 23 and 235 of the Alabama Constitution that "private property shall not be taken for public use without just compensation" has been judicially held to require that the owner be put in as good a position pecuniarly as he would have occupied if his property had not been taken. The committee of the Alabama Law Institute, charged with the responsibility of preparing a Code on Eminent Domain, was primarily concerned with the method and procedure to insure the fair fulfillment of this constitutional commitment and due process.

Prior studies and suggested revisions of eminent domain statutes had not been enacted for various reasons, perhaps because sufficient consideration was not given to the multiple interests involved and affected. The committee, through many conferences and extended debates, sought to inject and resolve all interests. The Uniform Eminent Domain Code, approved by the National Conference of Commissioners on Uniform State Laws, prior revisions suggested in Alabama, including those of an earlier Code Committee of the Alabama Bar, and recommendations from attorneys, judges, appraisers and property owners have been incorporated into the Code as recommended by the Committee.

91. **Nonprofit Corporation Act**

This act was passed by the Legislature in 1984 and became effective January 1, 1985. Ala. Code § 10-3A-1 et. seq.
The Alabama Nonprofit Corporation Act of 1955, former Alabama Code Section 10-3-1 et seq., hereinafter referred to as the "Alabama Act," was adopted in large part from the 1952 Model Nonprofit Corporation Act. This act was based on the 1964 Model Nonprofit Corporation Act drafted by the Committee on Corporate Laws of the Section of Corporation, Banking and Business Law of the American Bar Association and reflected a policy of parallelism in that it follows as closely as permitted by the difference in subject matter of the corresponding provisions of the Alabama Business Corporation Act, Alabama Code Section 10-2B-1 et seq. Provisions in regard to stock are omitted and certain variations of practice are permitted for nonprofit corporations that are not customary or appropriate for business organizations. But otherwise, this act was deliberately and closely parallel with the provisions of the Alabama Business Corporation Act. It followed that decisions under the Alabama Business Corporation Act, or commentaries on it, which greatly outnumber those in regard to nonprofit corporations, should become increasingly helpful in the interpretation and application of this act.

92. **Limited Partnership Act**

This act was passed by the Legislature in 1983 and became effective on January 1, 1984. Alabama Code § 10-9A-1 et seq.

This act was based on the Revised Uniform Limited Partnership Act. The prior Alabama law was incomplete in that it did not fully delineate the liabilities of limited partners or provide safe harbor provisions for them. This act clarified the filing procedures for both foreign and domestic limited partners.

93. **Professional Corporation Act**

This act was passed by the Legislature in 1983 and became effective on January 1, 1984. Ala. Code § 10-4-380 et. seq.

This area of the law was formerly governed by two separate acts, the Professional Association Act of 1961 and the Professional Corporation Act of 1971. The new act brought these laws into conformity with the Alabama Business Corporation Act while combining them into one statute.
1978-1982 Quadrennium

94. **Probate Code**

This act was passed by the Legislature in 1982 and became effective January 1, 1983. Ala. Code § 43-8-1 et. seq.

This revision is basically Articles I and II of the Uniform Probate Code which deal with "definitions" and "intestate succession and wills".

95. **Administrative Procedure Act**

The act passed the Legislature during the 1981 Regular Session, and became effective October 1, 1982. Ala. Code § 41-22-1 et. seq.

This law provided three basic provisions:

1. provided for rule-making procedures and publishing of rules;
2. procedure for handling contested cases; and
3. provided for legislative review of agency rules.

96. **Article 9, UCC, 1982 - Secured Transactions**


This revision simplified the process of filing financial statements, it also clarifies the law governing priority of conflicts between competing claimants to collateral, and generally updates Article 9 of the Uniform Commercial Code that was enacted in 1966.

97. **Business Corporation Act**

This revision allowed for one person corporations, close corporations, and updated Alabama's 1958 corporation law.

98. **Banking Code**

The Banking Code was revised in 1979 to update Alabama banking laws that had not been revised since 1915. Ala. Code § 5-1A-1 et. seq.

99. **Rules of the Road Act**

The Rules of the Road were revised in 1980 to update Alabama's driving laws that were passed in 1926. The revision followed recommendations made in the Uniform Vehicle Code and is found at Ala. Code § 32-5A-1 et. seq.

100. **Criminal Code Form Indictments**

With the implementation of the new Criminal Code, existing indictment forms became obsolete. The Institute drafted new indictment forms for use under the Criminal Code. The committee was comprised of judges and district attorneys who drafted the indictments, not only for offenses under the new Criminal Code, but for a number of offenses that remain unchanged. Previously, Alabama did not have a complete set of form indictments. These form indictments are distributed by The Administrative Office of Courts and Office of Prosecution Services.

**1974-1978 Quadrennium**

101. **Criminal Code**

The Criminal Code passed the legislature in 1978 and became effective January 1, 1980 and is found at Ala. Code § 13A-1-1 et. seq.

It was the first major revision of Alabama's Criminal Code in the history of the state. The Criminal Code is in accord with those in other states that are similar to the Model Penal Code.
drafted by the American Law Institute. The Criminal Code is found at Ala. Code § 13A-1-1 et. seq.


In Volume I are the Criminal Code offenses. In Volume II are the other offenses in the Code of Alabama that are not found in the Criminal Code. Mr. Thomas Smith, former Tuscaloosa District Attorney, was the editor of the third edition. Mr. Bryan Morgan, Executive Director of the Office of Prosecution Services, coordinated the drafting revisions of the second edition. Mr. Lewey Stephens, a former District Attorney, was the chairman of the first edition and was aided by Mr. John Bell, Assistant District Attorney, Montgomery, and Mr. Tom Sorrell, District Attorney, Dothan.
VI.

RECENT PUBLICATIONS AND COMPLETED PROJECTS

1. Alabama Sheriffs Orientation, 2015

The Alabama Sheriffs’ Orientation was held January 27 through January 30, 2015. Over 65 sheriffs and deputies attended, including each of the 18 new sheriffs. On the first day of the orientation, the speakers discussed the powers of the office of sheriff and crime scene management. Secretary Spencer Collier, head of the newly formed Alabama Law Enforcement Agency, spoke to the group along with other representatives from various state agencies with whom the sheriffs will be working.

On the second day of the orientation, Judge Scott Donaldson spoke on search warrants, Judge Joe Colquitt spoke on criminal procedure and sentencing and Judge John Carroll, Acting Director of the Alabama Ethics Commission spoke to the sheriffs on ethics. There was also a discussion on current narcotic trends and immigration law. In the afternoon, Secretary of State John Merrill discussed the sheriff’s duties in the administration of elections. Information about service of process, repossessions and evictions was also provided.

On the third day of the orientation, Dr. Toppins, the Director of Psychology Services of Taylor Hardin Secure Medical Facility discussed criminal commitments. A supervisory Special Agent of the FBI presented a PowerPoint and video on counterterrorism. At the noon luncheon, agents from the U.S. Marshal’s office, DEA and FBI discussed their interaction with the sheriff’s office. Legal and employment issues were discussed in the afternoon.

On the final day of the orientation, representative from the State Comptroller’s Office discussed financial matters with the sheriffs. Judge Philip Lisenby talked about the detention and care of juveniles. Other administrative matters were discussed including jail administration and transportation of prisoners. The laws relating to the Registration and Community Notification of
Sex Offenders statute was presented. Experts also presented information about computer forensics and cyber crimes.


   At the request of the Alabama Sheriffs Association, the Alabama Law Institute developed this Handbook for Alabama Sheriffs. The first edition was written in 1992 and this current edition in 2015.

   There are 13 chapters in the Handbook. The first two chapters concern the history of the office and the legal background of the sheriff’s office. They include information about the qualification and powers of office. The third chapter deals with the administrative duties of the sheriff, including Peace Officers Standards and Training, budget, record access, and incarceration of prisoners.

   The fourth chapter discusses criminal law, including criminal procedure and an overview of the criminal code. The chapter also includes an extensive material on evidence, vehicular stops, domestic violence and arrest. The fifth chapter includes a very detailed outline of the sheriff’s responsibilities for jails and prisoners. The sixth chapter covers the sheriff’s duties involving juveniles and incompetents.

   Civil process, including subpoenas, evictions and execution of judgments is the subject of chapter seven. Chapter eight outlines the duties of the sheriffs regarding elections. The rules of the road and health, environment and public safety are the topics covered by chapters nine and ten, respectively. Chapters eleven and twelve concern liability and ethics. The final chapter gives a brief overview of the state and federal agencies in which the sheriff’s office interact.

3. **Alabama Legislative Orientation, 2014**

   The Alabama Law Institute assisted the Legislative Orientation Committee in the planning of the 2014 Alabama Legislative Orientation. The three-day orientation was held in Montgomery, with virtually every legislator in attendance. During
the course of the orientation, legislators heard from legislative staff on issues such as dealing with the press and State House security, received mandatory ethics training, and heard from Lieutenant Governor Kay Ivey and Governor Robert Bentley. Speakers also included representatives from that State Employee Insurance Board and Retirement Systems of Alabama.


At the request of the Examiners of Public Accounts, the Law Institute updated this book to reflect changes to the law since 2008, when the book was last revised. This handbook is written to assist those who must consult the Competitive Bid Law and Public Works Laws of Alabama.

The handbook is organized in two Parts: Part I – Contracts and Part II – Public Works. Each Part is organized: (1) a chapter of general introduction to the subject; (2) a chapter containing the applicable statutes; (3) a chapter summarizing the cases that have interpreted the statutes; and (4) a chapter containing brief summaries of the opinions issued by the Attorney General and the Department of the Examiners of Public Accounts. Part I also contains additional chapters concerning the competitive bidding laws governing boards of education.

5. **Alabama Legislation, 8th Ed., 2014**

This book is written to acquaint lawyers, law students and those involved in drafting, voting on and interpreting Alabama laws with the technical aspects of legislation.

The book is in six parts. The first part is to provide the reader or researcher with the historical background of the Alabama Legislature and the legislative services available to legislators.

The second part is an orientation in the organization of the legislature, discussing the general requirements of candidates, their election to office, reapportionment law, legislative sessions, and finally, Senate and House Rules.
Part three is a review of legislative procedure and covers legislative powers, oversight functions, local legislation, the non-law making functions of the legislature, and the passage of bills through both Houses of the legislature and the Governor’s action on them.

The fourth part deals with the mechanics of drafting, covering such subjects as resolutions, constitutional amendments, statute drafting, amendments, codification of acts, and repealing of laws.

The fifth part deals with interpretation of statutes, the rules of construction, legislative intent, legislative history and judicial meaning of words used within statutes.

Finally, part six reviews the obligations of legislators, the ethics act, and rules for lobbyists.

6. **Basic Judicial Training for Probate Judges**

In conjunction with the election of the probate judges, the Law Institute began a three year course of study on the areas of law under the office of the Probate Judge. The initial session began with an orientation that gave the newly elected judges an overview of each area of law. In the next three years the course will continue with eight additional sessions that provides more in depth coverage of the laws.

A Basic Judicial Training conferences was held for Alabama Probate Judges and Chief Clerks on April 25th-26th, 2013. The conference concentrated on the Mental Health Laws. The session included an overview of the commitment process, as well as information about the mental hearth liaisons. Commissioner Jim Reddoch spoke on the availability of treatment. Pam Harris, the Accounting Director of the Comptroller’s Office, spoke on funding for mental health.

On October 25th, 2013, a Basic Judicial Training conference was held on elections laws in conjunction with the Election Conference that was held for all election officials throughout the state. The basic election course focused on the
responsibilities of the probate office in state and local elections. The sessions included voter registration, candidate qualifying and how to conduct an election school. Preparing for an election and Election Day issues were discussed. The conference concluded with a session on the Fair Campaign Practice Act and the recent amendments to the act.

Guardianships and Conservatorships were the topics of the Basic Judicial Training conference conducted on April 16-17, 2014. The conference included sessions on the procedure for establishing a guardianship and conservatorship as well as the general duties of a guardian and conservator. A walk-through of a hearing for a joint petition for guardian and conservator was presented. Topics also included were durable power of attorney, health care directives and parental appointments.

On September 17-18, 2014 the Basic Judicial Training conferenced focused on Estates. The conference began with a walk-through of Probate of Estates including: filing petition, service of process, appointment of guardian ad litem, appointment of personal representative, notice to interested parties, bond, publication of notice, proof of will, hearing, and admitting estate to probate. Other topics presented at the conference included: intestate succession, trust, special administration ad colligendum, pretermitted heirs, issuing letter of administration and evidence in estate matters.


The Election Handbook has assisted those who are involved in the election process for over fifty years. It is written to provide candidates for public office and election officials with one source in which to find applicable provisions of Alabama law relating to municipal, county or state elections.

The Alabama Election Handbook, first published by the Institute in 1977, was the successor to the 1952 Election Officer’s Handbook by University of Alabama Professor Donald Strong. Beginning with the Sixth Edition, the Alabama Election Handbook also incorporated the Secretary of State’s Election Official's Handbook produced first by Dr. Robert Montjoy of Auburn University in 1982. The Sixteenth Edition is the result of a
cooperative effort between the Institute and the Office of the Secretary of State. This edition includes changes to the Fair Campaign Practice Act as well as a FCPA filing calendar.

The handbook is comprised of three parts: chapters one through ten set forth the election process; chapters eleven through eighteen delineate the duties of each official; and an extensive appendix of exemplary forms that are available on the Secretary of State’s web site.

Voting officials can follow their duties during the election cycle. This book is written to assist candidates, voters, probate judges, circuit clerks, sheriffs, boards of registrars, municipal and county commissions and others who have a part in conducting elections. Also included is information for poll workers who assist in making the election process work. Furthermore, the handbook includes chapters relating to the duties of inspectors and clerks.

8. **Election Law Training for Public Officials**

On October 24th and 25th, 2013 an Election Law Training conference was held for all election officials throughout the state. The groups participating in the conference included the Board of Registrars, Circuit Clerks, Sheriffs, Probate Judges and Probate office Chief Clerks. The basic election course focused on the responsibilities of the election officials in state and local elections. A separate session was held for each participating group and a joint session was held on Thursday afternoon.

**Board of Registrars**

The Board of Registrars had a morning session on Oct.24th with Ed Packard speaking on the Election Responsibilities of the Board of Registrars. This was followed by special segment on the duties of the Board of Registrars on voter registration. Don Milligan, President of the Board of Registrars, moderated a question and answers panel. In the afternoon, the Board of Registrars joined all of the other election officials for the joint session.
Sheriffs

The Sheriffs had a morning session on October 24th on duties of the Sheriff prior to Election Day including: appointment of precinct election officials; voter information posted; election supplies to polling places and identify polling places and accessibility. Other topics covered included: Election Day expenses and security of ballots & machines. Sheriff Tate and Sheriff Olson answered questions during the question and answer session. In the afternoon, the Sheriffs joined all of the other election officials for the joint session.

Circuit Clerks

The Circuit Clerks had a morning session on Oct. 24th with Ed Packard speaking on the Election Responsibilities of the circuit clerks. This was followed by special segment on the duties of the Circuit Clerks on voter registration. Missy Hibbett answered questions during the question and answers segment. In the afternoon, the Circuit Clerks joined all of the other election officials for the joint session.

Probate Judges and Chief Clerks

On October 24th and 25th, Probate Judges and Chief Clerks had a conference on Election laws. The first session of the conference was a joint session with all of the election officials collaborating on their joint election responsibilities. The following morning, the judges and clerks learned about voter registration, qualifying both party and independent candidates and how to conduct an election school. This was followed by panels on Election Day issues, including write-in votes and after Election Day responsibilities including recounts and contests. Finally, there was a discussion on the changes to the Fair Campaign Practice Act.

Joint Session

Alabama Secretary of State, Jim Bennett opened the afternoon session on October 24th with an address to all of the election officials about the new Voter ID law and other election issues. Ed Packard, the Director of Elections in the Secretary of
State’s Office, discussed the time tables for elections. The next presentation was on the Election Day responsibilities of each county election official. This was followed by an in-depth presentation on provisional ballots, appointment of poll workers and the duties of the canvassing board. Two panels were held; one on practical solutions to Election Day problems and one on emergency planning. Finally, Elizabeth Robison, with the Alabama State Comptroller’s Office, discussed cost issues in the election process.

9. **Advanced Training Course for Sheriffs**


Lyle Mitchell, Chief of Staff, Alabama Law Enforcement Agency spoke to the sheriffs about the reorganization of Alabama Law Enforcement Agencies. The role of the Sheriff in handling Guardianship/Conservatorship and Mentally Ill Patients was discussed by Sheriff Larry Amerson, and Honorable Alice Martin.

The new gun laws and the Fair Campaign Practice Act were explained by Bobby Timmons, Executive Director of the Alabama Sheriffs Association and Othni Lathram, Director of the Alabama Law Institute.

10. **Chief Clerks’ Training Conference**

A special training conference was held for the probate judge’s chief clerks on September 10-11, 2013. The first session began with an overview of the duties of the chief clerks. The preservation of legal documents and the handling of documents during discovery were addressed. Labor relations laws important to running and maintaining the probate office were explained. A
discussion on the changes in laws relating to small estates and on proving a will was included.

The second day of the conference began with a discussion on courtroom and office security. Several topics related to the clerks’ record room responsibilities were covered, including maintaining and disposal of records, public access to records and recording fees. The clerks were also briefed on the laws related to their financial responsibly in handling public funds and preparing for an audit.


Under its enabling statute, the Law Institute is charged with the responsibility of assisting in the training and education of public officials so that the laws of Alabama may be more uniformly implemented and followed.

This ninth edition of the handbook incorporates changes in Alabama law since the last edition, significantly expands the scope of forms included in the book, and, for the first time, includes a glossary of terms. Included are chapters on Probate Judges’ administrative as well as their judicial functions.

The primary purpose of this Handbook is to serve as a quick reference for probate judges in finding legal sources of the duties with which they are entrusted by law. For newly elected probate judges especially, this Handbook can be an important tool in providing a general overview of the office and in helping to familiarize them with their many responsibilities.

12. **Probate Judges’ Orientation**

The Probate Judges’ Orientation was held January 29 through February 2, 2013. The first day of the conference was designed primarily for the newly elected first time judges. It included sessions on jurisdiction, bonds, liability, ethics and handling public funds. The afternoon sessions covered employment law and personnel issues and managing human resources.
The second day of the conference began a more in depth review of the judicial function of the probate office. Dr. W. “Chris” Wilkerson, former Medical Director of Searcy Hospital, spoke to the judges on Mental Commitments and what probate judges should know about mental illness. A succinct overview was provided for the following areas of the law: Guardianships and Conservators; Adoptions and Eminent Domain.

The third day of the conference started with a presentation on Wills and Estates and Evidence. This was followed by a Judge’s Panel on Bonds; Burials; Sale of land for Delinquent Taxes; Refund of Taxes and False Liens. The next topics covered included Miscellaneous Family Law Issues such as: Common Law Marriages, Name Change, Legitimation and Guardian Ad Litem. The new Alabama Supreme Court rule on Civil Procedure was the final topic of the morning. A quick overview of the laws relating to Records and Recording was followed by an Election laws panel.

The responsibilities of the probate office regarding records and public access to documents were discussed. A panel of judges spoke and briefed the new judges on the requirements of election laws.

The final day of the conference included the requirements of the probate office on Licencing and Reports. The conference concluded with a mock trial on Commitment.

13. **Advanced Judicial Training for Probate Judges**

In addition to the Basic Judicial Education course, throughout the entire six years of the judges’ term of office, the Law Institute provides advance judicial training at the summer and winter probate judges’ conferences.

At the summer conference held August 5th -6th 2013, the judges and clerks received a legislative update and a probate law case update. Tammy Shelley with the Examiners of Public Accounts talked to them about the “do’s and don’ts” relating to public funds. The conference also included a session on electronic records in the probate office.

The Law Institute is charged by its enabling statute to assist in the training and education of public officials so that the laws of Alabama may be more uniformly implemented and followed. This publication is the most recent in a line of publications to assist county commissions dating back to the 1963 publication of *A Manual for Alabama County Commissioners*, written by James D. Thomas.

This eleventh edition is a substantial revision of the 2007, tenth edition bringing it current through the laws passed during the 2012 Legislative Session. Included are chapters on organization of county government, administration of highways, taxation and financial administration and election laws.

The primary purpose of this Handbook is to serve as a quick reference guide for county commissioners regarding the legal sources of the duties with which they are entrusted by law. For newly elected county commissioners, this Handbook can be an important tool in providing a general overview of the office and in helping to familiarize them with their many responsibilities.
VII.

CURRENT PROJECTS OR STUDIES

1. **Alabama Government Manual**

   The Alabama Government Manual is designed to be a ready reference for state and local officials, members of the legislature, and interested citizens and students on the overall organization of governmental agencies in Alabama.

   Since publication of the Thirteenth Edition in 2010, a number of developments have taken place relating to the structure of government agencies in Alabama. The Fourteenth Edition will be available in spring 2015.


   This book was developed to assist those serving as members of the Alabama Legislature and to those who are interested in the functioning of the two houses. This handbook was produced by the Institute in an effort to bring together, in one convenient volume, the many constitutional and statutory laws and legislative rules and practices that govern the Alabama Legislature and its lawmaking processes. It is written as a practical handbook for those involved in the legislative process in Alabama, and is directed especially to the members of the Alabama Senate and the Alabama House of Representatives.

   The handbook begins with a description of the organization of the Legislature, covering such matters as its historical background, meeting dates, officers and employees, rules, and the composition of each house. This background is followed by a discussion of the lawmaking process, describing how a bill is drafted, introduced and its route through both houses of the Legislature on its way to the Governor’s office for the Governor’s signature, when it will become an act.

   The 11th edition is currently underway and will be available in spring 2015.
3.  **Election Handbook**

The Election Handbook has assisted those who are involved in the election process for over fifty years. It is written to provide candidates for public office and election officials with one source in which to find applicable provisions of Alabama law relating to municipal, county or state elections.

Voting officials can follow their duties during the election cycle. This book is written to assist candidates, voters, probate judges, circuit clerks, sheriffs, boards of registrars, municipal and county commissions and others who have a part in conducting elections. Also included is information for poll workers who assist in making the election process work. Furthermore, the handbook includes chapters relating to the duties of inspectors and clerks.

The Seventeenth edition is currently underway and will be available in fall 2015.

4.  **Probate Judges’ Training Conference**

In 1976, the Law Institute held their first orientation for newly elected Probate Judges. ALI continues to hold an orientation at the beginning of each term of office for the judges. After the Legislature enacted the new Probate Code in 1982, ALI held the first training conference for Probate Judges. Training conferences have been held regularly since then to apprise the judges of the legislative changes in statutes affecting their office. In 1986, a basic law course was begun to teach each succeeding group of judges the laws affecting their office.

By rule of the Alabama Supreme Court, the Institute is charged with the continuing education of Probate Judges. In 2013, the Institute conducted a conference two Basic Judicial Training Conferences, one Advanced Judicial Training Conferences, and one Chief Clerk’s Training Conference.
5. **Alabama Legislative Internship Program**

In 1979 the Alabama Capitol Intern Program was established to include student interns in state government by allowing them to observe and participate in the legislative process of state government. The program was designed to provide gifted Alabama students with the opportunity to work with legislators in addressing the needs of constituents at the local level. All interns participate during the term of the Legislature’s Regular Session.

During their tenure with the legislature, interns research issues for individual legislators or legislative committees, handle constituent issues for legislators, provide tours to visiting groups if Capitol tour guides are unavailable, and attend legislative committees with the committees’ lawyers. In addition, interns meet with various state department heads during their internship to learn more about each individual office’s responsibility in state government. Throughout the entire internship, the goal is for the student to observe the legislative process.

The applicants for the internship must either be Alabama residents or be attending a college or university in Alabama. Also, they must be a Junior or higher in college or in graduate school. The term of the program coincides with the Regular Session of the Alabama Legislature.

Beginning in 2012, the Institute worked with colleges and universities throughout Alabama to expand the program and to promote joint efforts to provide interns with college credit. As a result, the program is now an unpaid internship for college credit. During the 2015 session, the Institute will have 10 interns.

6. **Legislative Committee Legal Staff**

For over 30 years the Alabama Law Institute has provided legal counsel for both the House and Senate Judiciary Committees.

The Institute continues to provide legal counsel to the Legislature. For the 2015 Legislative Session, the Institute will provide four lawyers to assist in various committees in the House
of Representatives and four lawyers to assist in various committees in the Senate.

7. **Alabama Legislative Law Clerk Program**

   In 2013, the Law Institute initiated a Legislative Law Clerk Program to provide efficient and cost-effective legal research for Legislators. Law students from each of Alabama’s accredited law schools were hired at a minimal cost to assist in legislative research and drafting during the Legislative Session. The law clerks are available during the Regular Session to assist individual Legislators in researching legal points of law as well as determining how other states have dealt with issues of interest to the Legislators.

   The law clerks are also available to assist the committee chairs by reviewing legislation pending before their committees and researching any points of law as requested by the committee chair.

8. **Model City Ordinances Reviews**

   In 1991, the Institute, in conjunction with the University of Alabama School of Law and the Alabama League of Municipalities developed a model set of municipal ordinances. A comprehensive revision and reorganization was completed in 2003 after a two-year study. Law students have been trained and are made available to cities to compare the cities' ordinances with the Model Ordinances to determine a need to update the municipal laws and to fill voids in the city ordinances. In 2013, two Law Institute law students were trained and are available to assist cities.

   This model set of ordinances is primarily for the small municipalities in the state of Alabama that do not have a full-time city attorney.

   Cities who desire to avail themselves of these services should contact the Alabama Law Institute directly. The current cost for the service is $450.00 for three days of review plus mileage and expenses. If additional time is needed to complete the project, it is billed at $15.00 per hour.
VIII.

PROJECTS OR STUDIES COMPLETED

A more detailed discussion of the following may be received by contacting the Institute:


3. Alabama Legislative Directory, 2010-2014


5. An Informal Guide to Redistricting, 86 pp., 2010


19. Alabama Constitution Study, 2002

20. Uniform Child Custody and Enforcement Act, 1999

21. Handbook for Alabama Tax Assessors, Tax Collectors, License Commissioners and Revenue

158


23. Be It Enacted ... Alabama’s Legislative Process, 1993


28. Court Reporters’ Manual, 1984


30. Family Violence Study, 1980

31. Medicaid Study, 1977
IX.

TRAINING CONFERENCES

LEGISLATORS


Legislative - Congressional Conference, April 1980, May 1979

Legislative Tourism Conference, 2009

Legislative Ethics Conference, 2009

PROBATE JUDGES


Probate Judges Advanced Course, 1989-91

SHERIFFS


LICENSE COMMISSIONERS
 License Commissioners, 1992

DISTRICT ATTORNEYS
 District Attorneys' Orientation, 1980

EXAMINERS OF PUBLIC ACCOUNTS

ELECTIONS CONFERENCE
 Elections Conference for Board of Registrars, 2013
X.

LIST OF PUBLICATIONS

Administrative Procedure Act, 40 pp., 1978

Adoption Code, 82 pp., 1988

Adult Guardianship and Protective Proceedings Jurisdiction Act, 83 pp., 2009


Alabama Constitution Study, 2 Volumes, 2002

“Analysis of the Amendments to the Constitution of 1901”
“Recompilation Alabama Constitution of 1901 and 708 Amendments”


Alabama Legislative Directory, 2010-2014

Alabama Legislation

Alabama Legislation, 7th Edition, 618 pp., 2010
Alabama Legislation, 394 pp., 1985

Alabama Rules of Evidence with Commentary, 336 pp. 1993


163


Anatomical Gift Act, Revised, 85 pp., 2007

Anatomical Gift Act, 40 pp., 2001

Athlete Agents Act, 51 pp., 2001

Banking Code, 129 pp., 1979

Be It Enacted ... Alabama’s Legislative Process, Video, 1993

Business and Nonprofit Entities Code, 699 pp., 2008

Business Corporations
  Business Corporation Act, Revised, with Commentaries, 752 pp., 1993
  Business Corporation Act, Revised, 426 pp., 1993
  Business Corporation Act, 237 pp., 1974

Business Incentives Study, 1978

Child Abduction Prevention Act, pp. 64, 2009

Child Abuse and Neglect, 91 pp., 1978

Civil Pleading Before 1973, 148 pp., 1974

Coal Severance Tax Study, 28 pp., 1977

Condominium Act, 197 pp., 1986

Condominium Act, 197 pp., 1988

Conversions and Mergers of Business Entities, 54 pp., 1999
County Commissioners’ Handbook
  County Commissioners’ Handbook, 10th Ed., 258 pp., 2007
  County Commissioners’ Handbook, 8th Ed., 220 pp., 1997
  County Commissioners' Handbook, 7th Ed., 209 pp., 1993
  County Commissioners' Handbook, 5th Ed., 161 pp., 1986
  County Commissioners’ Handbook, 4th Ed., 149 pp., 1982

Criminal Code, 380 pp., 1974

Criminal Indictment and Warrant Manual, 1979


Criminal Pattern Jury Instructions, 1979

Criminal Pattern Jury Instructions (Second Edition), 1989

Criminal Pattern Jury Instructions (Third Edition), 1994

Deed in Lieu of Foreclosure, 66 pp., 1987

Election Handbook
  Election Handbook (3rd Edition), 100 pp., 1980
Election Handbook, 64 pp., 1977

Electronic Recording Act, 24 pp., 2008

Eminent Domain Code, 100 pp., 1980,

Eminent Domain Code, revised, 106 pp., 1984

Environmental Covenants, 56 pp., 2007

Evidence, Rules of, 336 pp., 1993

Family Violence, 100 pp., 1980

Federally Mandated State Legislation 43 pp., 1986, '87, '88, '90

Foreign Judgments Act, 13 pp., 1986

Fraudulent Transfers Act, 46 pp., 1987

General Partnership Act

**Government Manual**


Guardianship and Protective Proceedings Act, 203 pp., 1986


Informal Guide to Redistricting, 86 pp., 2010
Interstate Enforcement of Domestic Violence Act, 18 pp., January 2001

Issues Conference for Legislators, January 1977

Issues Conference for Legislators, November 1977

Issues Conference for Legislators, September 2008

Information Concerning a New Criminal Code for Alabama, 43 pp., 1974

Juvenile Laws and Agencies, 30 pp., 1981

Land Title Acts - Phase I

Land Title Acts - Phase II

Land Title Acts - Phase III

Legislation, Cases and Statutes
  Legislation, Cases and Statutes, 6th Ed., 600 pp., 2007
  Legislation, Cases and Statutes, 5th Ed., 582 pp., 2003
  Legislation, Cases and Statutes, 3rd Ed., 473 pp., 1992
  Legislation, Cases and Statutes, 2nd Ed., 381 pp., 1989
  Legislation, Cases and Statutes, 394 pp., 1986

Legislative Process
  Legislative Process (10th Edition), 248 pp., 2010
  Legislative Process (9th Edition), 238 pp., 2007
  Legislative Process (8th Edition), 242 pp., 2003
  Legislative Process (7th Edition), 250 pp., 1999
  Legislative Process (3rd Edition), 160 pp., 1984
  Legislative Process (2nd Edition), 107 pp., 1980
  Legislative Process Film, 1979, ’88, ’93
  Legislative Process, 94 pp., 1978
Limited Liability Company Act, 103 pp., 1993

**Limited Partnership**
- Limited Partnership Act, 142 pp., 1997
- Limited Partnership Act, Revised, 89 pp., 1981
- Limited Partnership Act, 88 pp., 1981

Medicaid, Alabama Project on, 80 pp., 1977

Model City Ordinance, 1991, 2003

Nonprofit Corporation Act, 153 pp., 1983

Parentage Act, 145 pp., 2007

Power of Sale in Mortgages, 66 pp., 1987

Probate Code, 101 pp., 1981

**Probate Judges’ Handbook**

Prudent Management of Institutional Funds Act, 60 pp., 2007

Redemption From Ad Valorem Tax Sales, 19 pp., 2008

Redemption of Real Estate, 66 pp., 1987

Residential Mortgage Satisfaction Act, 88 pp., 2008

Rules of Criminal Procedure, 416 pp., 1977

Rules of Criminal Procedure, 455 pp., 1983

Rules of the Road Act, 1975

Rules of the Road Act (Revised Edition), 198 pp., 1976

Securities Act, 233 pp., 2004

Securities Act (Revised Edition), 104 pp., 1989

Securities Act, 103 pp., 1988

Sheriffs’ Deskbook, 4 Volumes, 2003


**Sheriffs’ Handbook**
- Sheriffs’ Handbook, 121 pp., 1992

**Handbook for Alabama Tax Administrators:**
Collectors, License Commissioners and Revenue Commissioners.

**Tax Assessors and Tax Collectors’ Handbook**


Teachers' Guide, Alabama Legislative Process, 72 pp., 1980


Trademark Act, 33 pp., 1977

Trademark and Trade Name Act, 51 pp., 1988

Trade Secrets, 14 pp., 1987

Uniform Child Custody Jurisdiction and Enforcement Act, 107 pp., 1999

**Uniform Commercial Code**
- Uniform Commercial Code Article 1, 96 pp., 2004
- Uniform Commercial Code Article 7, 268 pp., 2004
- Uniform Commercial Code Revised Article 9, 669 pp, 2001
- Uniform Commercial Code Revised Article 9, 171 pp., 1979
- Uniform Commercial Code Article 8, 265 pp., 1995
- Uniform Commercial Code Article 5, 1997
- Uniform Commercial Code Article 4A, 144 pp., 1992
Uniform Commercial Code Article 3 & 4, 396 pp., 1995

Uniform Electronic Transactions Act, 100 pp., 2001

Uniform Interstate Family Support Act, 123 pp., 1997

Uniform Multiple-Person Accounts Act, 39 pp., 1996

Uniform Partnership Act with Limited Liability Partnership, 284 pp., 1996

Uniform Residential Landlord Tenant Act, 62 pp., 2002

Uniform Transfers to Minors Act, 46 pp., 1986

Uniform Trust Code, 342 pp., 2004

Uniform Trust Code, Revised Draft, 362 pp., 2005

Urban Residential Landlord and Tenant Act, 164 pp., 1976

XI.

PROJECT ADVISORY COMMITTEES

*Chairman
** Reporter

Administrative Procedure Act (1982)

Alvin Prestwood * George E. Hutchinson
Carl A. Mooring, Jr. Al Vreeland
Walter Byars Kenneth Manning, Jr.
Jack Mooresmith Mike Young
Jim Frost Richard Moore, Jr.
Sterling F. Stoudemire, Jr. Tim Hoff **

Administrative Procedure Revision (1993)

Alvin Prestwood * James H. McLemore
Joe Adams Redding Pitt
Walter Byars Randolph P. Reaves
Frank Caskey Herbert Floyd Sherrod, Jr.
Margaret Childers Alfred F. Smith, Jr.
Thomas R. DeBray Al Vreeland, Jr.
Oliva H. Jenkins Charles E. Wagner

Adoption Committee (1991)

William Clark * Deborah Bell Paseur
Gordon Bailey Sammye O. Ray
Coleman Campbell Samuel A. Rumore, Jr.
Professor Camille Cook ** Mary Lee Stapp
Judith C. Crittenden Malcolm Street, Jr.
Pat H. Graves, Jr. Bryant A. Whitmire, Jr.
Tommy S. Lawson Penny Davis **
Alan Livingston
Adult Guardianship and Protective Proceedings
Jurisdiction Act (2010)

William H. Atkinson
Honorable Al Booth
Wendy Brooks Crew
Robin L. Burrell
Honorable Luke Cooley
C. Fred Daniels
L. B. Feld
Jack Floyd
Randy Fowler
Sandy Gunter *
Lyman Holland, Jr.

Othni Lathram
Honorable Alice K. Martin
Robert T. Meadows, III
Mary E. Murchison
Joe McEachern, Jr.
Randall W. Nichols
Christopher M. Priest
James M. “Buddy” Tingle
Bryant “Drew” Whitmire, Jr.

Asset Preservation Orders (2015)

Honorable John Carroll*
Ernie Cory
Honorable Scott Donaldson
Richard Gill
William Hairston
Professor Julie Hill
Ted Hosp
Honorable David Kimberley

Gaillard Ladd
Alan Mathis
Bruce McKee
D.G. Pantazis
Jeremy Retherford
Professor Gary Sullivan
Stephen Williams

Athlete Agents Act (2001)

Representative Gerald H. Allen
Frank M. Bainbridge
Jerry Bassett
Joseph Buffington
Senator Gerald Dial
Samuel H. Franklin
Charles Grainger

Professor Tom Jones
Professor Gene Marsh
Robert L. Potts *
Atty. Gen. William Pryor
Steadman S. Shealy, Jr.
F. Don Siegal
Sen. Rodger Smitherman
Richard P. Woods
Banking Code (1979)

Robert E. Steiner * D. Lawrence Harris
E. E. Anthony, Jr. W. Inge Hill
C. E. Avinger William R. House
John B. Barnett, Jr. D. Paul Jones
Terence C. Brannon George Maynard
Horace W. Broom Jack Miller, Jr.
Guy H. Caffee, Jr. M. Douglas Mims
Marie Campbell W. H. Mitchell
John S. Casey Kenneth McCartha
Eric O. Cates, Jr. Don H. Patterson
Richard Doughty Sam W. Pipes
J. E. Goldsborough James D. Prueett
A. M. Grimsley, Jr. George S. Shirley
Richard I. Gulledge Charles S. Snell
Palmer Hamilton James B. Striplin
Professor Nat Hansford **

Business Corporation Act 1980

George F. Maynard * James D. Pruett
Ira Burleson Michael Rediker
Walter R. Byars Romaine S. Scott, Jr.
Jack Crenshaw Jim Wilson
Wyatt Haskell Wyatt Haskell
D. Paul Jones D. Paul Jones
Thomas L. Jones ** Jim Wilson
James L. May, Jr.

Business Corporation, Revised (1995)

George Maynard * Vernon Patrick, Jr.
James R. Clifton Ernest L. Potter
Richard Cohn Jim Pruett
James F. Hughey, Jr. Watson Smith
Harold B. Kushner Dr. Richard Thigpen
Greg Leatherbury, Jr. Robert Walthall
Tommy Mancuso Prof. Howard Walthall **
Tommy Nettles, IV
Business Entities (2013)

Jim Bryce
Rick Clifton
L.B. Feld
Clark Goodwin
Colin House
Jim McLaughlin
Rebecca Morris
Virginia Patterson
Jack Stephenson

Emily Thompson
Jason Bell
Curtis Liles
Bo Lineberry
Scott Ludwig
John Lyle
Howard Walthall
Clark Watson
Jim Wilson*

Business and Non Profit Entities Code (2008)

Professor James D. Bryce
Larry B. Childs
James R. Clifton
C. Fred Daniels
Robert P. Denniston
Peck Fox
Charles Grainger
James F. Hughey, Jr.
Gregg L. Leatherbury, Jr.

Curtis O. Liles, III
Mark P. Maloney
Thomas G. Mancuso
James Pruett*
Henry E. Simpson
Bradley J. Sklar
Prof. Howard Walthall**
Robert C. Walthall

Certification of Questions of Law (2002)

David Boyd
Dean John Carroll
Rhonda Pitts Chambers
Ron Davis
Gregory H. Hawley
Professor Jerry Hoffman
Jack Livingston

Richard S. Manley
Bruce J. McKee
Stancil W. Starnes
William L. Utsey
Mike Waters *
William D. Scruggs, Jr.
Certificate of Title Act for Vessels

Jeff Baker
Representative Paul Beckman
Ron Bowden
David Dean
Michael Floyd
Janet Frazier
Mike Gamble
J.W. Goodloe Jr.
Allen “Treeto” Graham
Kim Hastie
Bill Henning
Senator Tammy Irons
Beth Marietta-Lyons
Rebekah McKinney
Jeff McLaughlin
E.B. Pebbles
Jerry Pow
Erica Shipman
Norman Stockman
Steve Thompson
Jennifer Weber

Child Abduction Prevention Act (2008)

Kimberly Bart **
Honorable George A. Brown
Martin Burke
Honorable Eric Funderburk
Billy Glen Hall
Honorable Pam R. Higgins
Professor Shirley Howell
Hon. Goman Houston Jr. *
James E. Long
William B. McGuire, Jr.
S. Lynn M. McKenzie
Leonard Tillman
James E. Turnbach
Representative Cam Ward
Bryant Whitmire, Jr.
Trina Williams

Child Custody and Enforcement Act (2000)

Gordon F. Bailey, Jr.*
Marcel Black
David Cauthen, Sr.
William Clark
Penny Davis**
Sammye Kok
Lynn Merrill
Randall W. Nichols
Gary Pate
Deborah Bell Paseur
Samuel A. Rumore, Jr.
Sue Thompson
Bryant A. Whitmire, Jr.
Children’s Code (1988)

Bill Clark *  Pat H. Graves, Jr.
Judith S. Crittenden  Tommy S. Lawson
Martha Kirkland  Deborah Bell Paseur
Alan Livingston  Mary Lee Stapp
Samuel A. Rumore, Jr.  Malcolm Street, Jr.
Professor Camille Cook **

Children's Code and Family Law (1993)

Bill Clark*  Beth Marietta-Lyons
Gordon Bailey, Jr.  Deborah Bell Paseur
Mike Bolin  Gerald Paulk
Professor Camille Cook**  Mary Pons
Mike Davis  Deborah Bell Paseur
George C. Day, Jr.  Sandra Ross
Joe Espy  Samuel A. Rumore, Jr.
Noah Funderburg  Bryant A. Whitmire, Jr.
Pat Graves  Penny Davis**
Sammye Ray Kok  

Collaborative Law

Melanie Atha  Robert Lusk, Jr.
Honorable William Bell  Don McKenna
Shelley Lynn Bilbrey  Glory McLaughlin
Martha Reeves Cook  Randy Nichols
Amy Creech  Frances Nolan
Penny Davis **  Brian Overstreet
Annesley DeGaris  Honorabe John Paluzzi
Christie Lyman Dowling  Candi Peeples
Honorable Jim Fuhrmeister  Jimmy Sandlin
Dean Noah Funderburg  Janet Schroeder-Grant
Professor Steven Hobbs  Honorabe Brenda Stedham
Mariam Irwin  Senator Cam Ward*
Representative Mike Jones  Harold Woodman
Common Interest Ownership (1991)

Charles A. Beavers       Gary C. Huckaby
Robert Denniston        George Maynard
Fred T. Enslen          E.B. Peebles, III *
Clara Fryer             Gordon Rosen
Frank C. Galloway, Jr.  B.J. Russell
Jerry Gibbons **        Albert Tully*

Condominium Act (1991)

Charles A. Beavers       George Hawkins
Robert Denniston        George Maynard
Fred Enslen             E. B. Peebles, III *
Clara Fryer**           Gordon Rosen
Frank C. Galloway       Robert J. Russell
Professor Jerry Gibbons ** Albert Tully
Chris Gruenewald        Dave Whetstone

Condominium Amendments - Current

Jeffery T. Baker        Robert L. McCurley **
Charles Beavers, Jr.    William Z. Messer
Representative Marcel Black Randall H. Morrow
Chris Booth             John M. Plunk *
Paul E. Burkett         Courtney R. Potthoff
James M. Campbell       F. Don Siegal
J. Milton Coxwell, Jr.  David C. Skinner, LLC
Jesse P. Evans, III     Donna Snider
William J. Gamble       Carol H. Stewart
William B. Hairston, III James M. Tingle
Warren Laird, II        W. Clark Watson
Professor David Langum  Jerry Wood
Honorable Alice K. Martin David Whetstone
Constitutional Revision Commission

Al Agricola          Jim Pratt
John Anzalone        Representative Patricia Todd
Governor Robert Bentley  Senator Ben Brooks
Governor Albert Brewer*  Representative Paul DeMarco
Greg Butrus          Senator Bryan Taylor
Vicki Drummond       Representative Randy Davis
Speaker Mike Hubbard  Bob McCurley**
Matt Lembke          Professor Howard Walthall**
President Pro Tem Del Marsh  Mike Waters**
Carolyn McKinstry

Criminal Code (1980)

Walter L. Allen        Kenneth F. Ingram
Samuel A. Beatty       William H. Kennedy
Ray Belcher            Joseph Marston
John Bookout           M. Clinton McGee
Joe Carlton            Earl C. Morgan
Joseph A. Colquitt     Drew Redden
Allen Cook             Fred Simpson
James Fullan           Lewey Stephens
Arthur Hanes, Jr.      Bernard Sykes
Robert M. Hill         Dave Whetstone
William Hollingsworth

Criminal Code (2009)

Judy Barganier        Lynda Flynt
J. Tutt Barrett       Honorable Aubrey Ford
George Beck           Lee Hale, Sr.
Honorable William Bowen**  Sheriff Mike Hale
Ellen Brooks          Honorable Howard Hawk *
William Clark         Honorable Pam R. Higgins
Rep. Spencer Collier   Steven Marshall
Honorable Joseph Colquitt  Tommy Smith, D. A.
Honorable Rosa Davis   Senator Rodger Smitherman
Brandon Falls, D. A.  Honorable Kelli Wise
Jack Floyd

180
**Criminal Pattern Jury Instructions (1979)**

Billy C. Burney
William H. Cole
Joseph A. Colquitt *
Camille W. Cook
Charles R. Crowder
Nancy S. Gaines
Arthur J. Hanes, Jr.
Kenneth F. Ingram
Ralph I. Knowles, Jr.
Robert L. McCurley, Jr.
M. Clinton McGee
Drew L. Redden
John D. Snodgrass
Lewey Stephens
Lavern Tate
Randall H. Thomas
Charles Trost
John D. Whetstone

**Criminal Pattern Jury Instructions (1988)**

Henry W. Blizzard
Billy Burney
Joe Colquitt
Randall Cole
Jim Garrett
Hardie Kimbrough
Randall Thomas

**Criminal Pattern Jury Instructions (1994)**

Jeri Blankenship
Henry W. Blizzard
Billy Burney
Randall Cole
Joe Colquitt* (**)
Jim Garrett
Hardie Kimbrough
Randall Thomas

**Criminal Warrant and Indictments (1979)**

Samuel A. Beatty
John Bookout
Ray Belcher
Julian Bland
Charles Y. Cameron
Joseph Colquitt
E. J. Dixon
E. C. Dothard
James Fullan
Arthur Hanes, Jr.
Robert M. Hill
William Hollingsworth
Kenneth F. Ingram
William H. Kennedy
Ralph Loveless
Joseph Marston
William H. Mills
Earl C. Morgan
Drew Redden
Fred Simpson
Lewey Stephens **
Bernard Sykes
John D. Whetstone
**Criminal Warrant and Indictments (1988)**

<table>
<thead>
<tr>
<th>Joe Carlton</th>
<th>Tom Sorrell</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert E. Hodnette, Jr.</td>
<td>Robert M. Parker</td>
</tr>
<tr>
<td>Leslie Johnson</td>
<td>Eris Paul</td>
</tr>
<tr>
<td>Robert E. Lee Key</td>
<td>Ted Pearson</td>
</tr>
<tr>
<td>Hardie B. Kimbrough</td>
<td>William C. Sullivan</td>
</tr>
<tr>
<td>Ron Meyers</td>
<td>Bernard Sykes</td>
</tr>
<tr>
<td>Earl Morgan</td>
<td>Lavern Tate</td>
</tr>
<tr>
<td>Lee Hale</td>
<td>G. H. Wright, Jr.</td>
</tr>
<tr>
<td>James A. Patton</td>
<td></td>
</tr>
</tbody>
</table>

**Criminal Warrant and Indictments (2011)**

<table>
<thead>
<tr>
<th>Ben Baxley</th>
<th>Chris McCool</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Clark</td>
<td>Randy McNeill</td>
</tr>
<tr>
<td>Lynda Flynt</td>
<td>Tim Morgan</td>
</tr>
<tr>
<td>Honorable Jim Garrett</td>
<td>Senator Myron Penn</td>
</tr>
<tr>
<td>Lee Hale, Sr.</td>
<td>Tommy Smith *</td>
</tr>
<tr>
<td>Richard Jaffe</td>
<td>Joel Sogol</td>
</tr>
<tr>
<td>Honorable Pete Johnson</td>
<td>Tom Sorrells</td>
</tr>
<tr>
<td>William Lindsey **</td>
<td>Mark White</td>
</tr>
<tr>
<td>Steven Marshall</td>
<td></td>
</tr>
</tbody>
</table>

**Custodial Trust (1997)**

<table>
<thead>
<tr>
<th>Katherine N. Barr</th>
<th>Jennifer McLeod</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carolyn Featheringill</td>
<td>Kathryn W. Miree</td>
</tr>
<tr>
<td>L.B. Feld**(2)</td>
<td>Bruce A. Parsons</td>
</tr>
<tr>
<td>A. Key Foster, Jr.</td>
<td>Honorable John E. Paluzzi</td>
</tr>
<tr>
<td>Kent Henslee</td>
<td>Judy B. Shepura</td>
</tr>
<tr>
<td>Virginia Hopkins</td>
<td>Irving Silver</td>
</tr>
<tr>
<td>Nancy Hughes</td>
<td>Sidney C. Summey</td>
</tr>
<tr>
<td>Ted Jackson</td>
<td>Carol Wallace</td>
</tr>
<tr>
<td>Roy King</td>
<td></td>
</tr>
</tbody>
</table>
Domestic Violence Orders Act (2001)

Gordon F. Bailey, Jr. 
Marcel Black 
Honorable Mike Bolin 
Lois Brasfield 
David Cauthen, Sr. 
Agnes Chappell 
William Clark 
Honorable Mike Davis 
Penny A. Davis ** 
George C. Day, Jr. 
Hon. Richard H. Dorrough 
Jack Floyd 
Lynda Flynt 
Noah Funderburg 
Pamela R. Higgins 
Ted Hosp 
Sammye O. Kok 
Beth Marietta-Lyons 
Randall W. Nichols 
Hon. Deborah Bell Paseur 
Gerald Paulk 
Caryl P. Privett 
Samuel A. Rumore, Jr. 
Angelo V. Trimble 
Bryant A. Whitmire, Jr.*

Drug Law (1985)

Wade Baxley * 
Billy Burney 
John England 
Lee Hale 
Fulton Hamilton 
Greg Hughes 
Joe McLean ** 
Earl Morgan 
Jim Wilson

Election Law Committee (2003)

Al Agricola 
Vicki Balogh 
Robert Bates 
Jim Campbell * 
Bill Clark 
Honorable Don Davis 
Peck Fox 
Representative Ken Guin 
Lee Hale 
Sheriff James Hayes 
Corine T. Hurst 
Honorable Earlean Isaac 
Honorable Bobby Junkins 
Troy King 
Othni Lathram 
Senator Zeb Little 
Robert L. McCurley, Jr.** 
Flynn Mozingo 
Mary Pons 
Honorable “Rip” Proctor 
Quentin Riggins 
William Sellers 
Brenda Smith 
Ken Smith 
Honorable Nancy Worley
Electronic Recording of Real Estate Records (2008)

Linda Barrontine
Tracey Berezansky
Honorable Bill English
Hon. James Fuhrmeister *
Chris Green
Alan King
Warren Laird, II
Othni Lathram **

Electronic Transactions (2001)

W. H. Albritton, IV
Richard H. Allen
Representative Marcel Black
James E. Bridges
Mike Carroll
Wanda Devereaux
Dean Mike Floyd * (**)
Russell Carter Gache'
Charles Grainger
Othni Lathram

Electronic Domain Code (1985)

Edward S. Allen
Maurice Bishop
A. J. Coleman
Gerald D. Colvin, Jr.*
Michael F. Ford
Andrew J. Gentry, Jr.
Henry Graham

Professor Tom Jones**
Milton H. Lanier
H. J. Lewis
Bert Nettles
G. William Noble
Joseph D. Phelps
Romaine S. Scott, Jr.
Eminent Domain Code (1999)

Scott Abney
Edward S. Allen
Bill Atkinson
James, M. Campbell
A. J. Coleman
Gerald D. Colvin, Jr.*
Frederick T. Enslen, Jr.

Jim R. Ippolito, Jr.
Joe McEachern
Barry L. Mullins
Ken Smith
Samuel L. Stockman
James W. Webb


Leonard Wertheimer, III*
James E. Bridges, III
Sydney Cook, III
C. Fred Daniels**
Kent Henslee
William L. Hinds, Jr.
Christine Hinson
Lyman F. Holland, Jr.
Professor Tom Jones

Gerard J. Kassouf
Cynthia Lamar-Hart
Bradley W. Lard
Mark Maloney
William A. Newman, Jr.
S. Dagnal Rowe
William E. Shanks, Jr.
Debra Spain

Family Law Standing Committee (current)

Melanie Atha
Honorable Billy Bell
Justice Mike Bolin
David Broome
Jennifer Bush
Amy Creech
Honorable Don Davis
Penny Davis**
Representative Paul DeMarco
Dean Noah Funderburg*
Jim Jeffries
Stephen Johnson
Representative Mike Jones
Sammye Kok

Honorabile Philip Lisenby
Robbie Lusk
Bob Maddox
Honorable Alice Martin
Randall Nichols
Honorable Deborah Paseur
Julia Roth
Honorable Jimmy Sandlin
Stephen Shaw
Honorable Paul Sherling
Honorable Brenda Stedham
Justice Lyn Stuart
Senator Cam Ward
Drew Whitmire
**Foreign Declarations (Unsworn)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew Allen</td>
<td>Honorable David Kimberley</td>
</tr>
<tr>
<td>Honorable Donald Banks</td>
<td>Othni Lathram **</td>
</tr>
<tr>
<td>Charlie Beavers</td>
<td>Dennis Pantazis</td>
</tr>
<tr>
<td>Joe Colquitt</td>
<td>Harlan Prater, IV *</td>
</tr>
<tr>
<td>Greg Cook</td>
<td>Emily Raley</td>
</tr>
<tr>
<td>Ernie Cory</td>
<td>William Ross</td>
</tr>
<tr>
<td>Representative Paul DeMarco</td>
<td>Nick Roth</td>
</tr>
<tr>
<td>William Hairston, III</td>
<td>Al Vance</td>
</tr>
<tr>
<td>Edward “Ted” Holt</td>
<td>W. Clark Watson</td>
</tr>
<tr>
<td>Kermit Kendrick</td>
<td></td>
</tr>
</tbody>
</table>

**Foreign Judgments (1986)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harold Albritton</td>
<td>Thomas S. Lawson, Jr.</td>
</tr>
<tr>
<td>Lee R. Benton</td>
<td>Richard F. Ogle*</td>
</tr>
<tr>
<td>E. Terry Brown</td>
<td>Stanley D. Rowe</td>
</tr>
<tr>
<td>Claude M. Burns, Jr.</td>
<td>Romaine S. Scott, III</td>
</tr>
<tr>
<td>Jack D. Carl</td>
<td>Robert L. Shields, III</td>
</tr>
<tr>
<td>Randall Cole</td>
<td>Jim Tatum</td>
</tr>
<tr>
<td>Robert P. Denniston</td>
<td>Jim Upchurch</td>
</tr>
<tr>
<td>Professor Tim Hoff**</td>
<td>Larry Vinson</td>
</tr>
<tr>
<td>John O. Johns</td>
<td>George S. Wright</td>
</tr>
</tbody>
</table>

**Foreign Money Judgment Recognition Act**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joey Aiello</td>
<td>Todd Harvey</td>
</tr>
<tr>
<td>David Byrne</td>
<td>Charles Johanson, III</td>
</tr>
<tr>
<td>Charles Campbell</td>
<td>Honorable David Kimberley</td>
</tr>
<tr>
<td>Professor Montre’ Carodine</td>
<td>Othni Lathram **</td>
</tr>
<tr>
<td>Honorable John Carroll *</td>
<td>Richard Ogle</td>
</tr>
<tr>
<td>Tracy Cary</td>
<td>Representative Bill Poole</td>
</tr>
<tr>
<td>Honorable Scott Donaldson</td>
<td>Vastine Stabler, Jr.</td>
</tr>
<tr>
<td>Mike Ermert</td>
<td>Ashley Swink</td>
</tr>
<tr>
<td>James Gewin</td>
<td>Will Hill Tankersley</td>
</tr>
<tr>
<td>Bernard Harwood, Jr.</td>
<td>Senator Bryan Taylor</td>
</tr>
</tbody>
</table>
Fraudulent Transfers (1990)

Lee R. Benton
Claude M. Burns, Jr.
E. Terry Brown
Jack D. Carl
Randall Cole
Robert Denniston
Professor Nat Hansford**
John D. Johns
Thomas S. Lawson, Jr.

Richard F. Ogle*
Stanley D. Rowe
Romaine S. Scott, III
Robert L. Shields, III
Jim Tatum
Jim Upchurch
Larry Vinson
George S. Wright

Guardianship and Protective
Proceeding Act (1986)

E.T. Brown*
Annette Dodd
L.B. Feld
O. H. Florence
Randy Fowler
John W. Gillon
Forest Herrington
Lyman F. Holland

Professor Tom Jones**
Louis B. Lusk
Joe McEachern
Irvine C. Porter
George Reynolds
Judy Todd
Bob Woodrow
John N. Wrinkle

Heir Property (2014)

Craig Baab
Allan Chason
Keri Coumanis
Jesse P Evans
Senator Jerry Fielding
Honorable James Fuhrmeister
Carolyn Gaines-Varner
Timothy Garner
Sandy Gunter
William B. Hairston
David Langum Sr.
Honorable Alice K. Martin
Bob McCurley

Bill Messer
Randall H. Morrow
Mary Murchison
L. Tom Ryan
David Skinner
Donna Snyder
Carol H. Stewart
James M. Tingle
Frederick Vars
Honorable Sam Welch
Kay Wilburn
Craig Williams

187
### Interstate Depositions and Discovery

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joey Aiello</td>
<td>Todd Harvey</td>
</tr>
<tr>
<td>David Byrne</td>
<td>Charles Johanson, III</td>
</tr>
<tr>
<td>Professor Charles Campbell</td>
<td>Honorable David Kimberley</td>
</tr>
<tr>
<td>Professor Montre Carodine</td>
<td>Othni Lathram**</td>
</tr>
<tr>
<td>Dean John Carroll*</td>
<td>Richard Ogle</td>
</tr>
<tr>
<td>Tracy Cary</td>
<td>Representative Bill Poole</td>
</tr>
<tr>
<td>Honorable Scott Donaldson</td>
<td>Vastine Stabler, Jr.</td>
</tr>
<tr>
<td>Mike Ermert</td>
<td>Ashley Swink</td>
</tr>
<tr>
<td>James Gewin</td>
<td>Will Hill Tankersley</td>
</tr>
</tbody>
</table>

### Interstate Family Support (1998)

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gordon F. Bailey, Jr. *</td>
<td>Jack Floyd</td>
</tr>
<tr>
<td>Honorable Mike Bolin</td>
<td>Sammye Kok</td>
</tr>
<tr>
<td>Lois Brasfield</td>
<td>Hon. Deborah Bell Paseur</td>
</tr>
<tr>
<td>David Cauthen, Sr.</td>
<td>Samuel Rumore, Jr.</td>
</tr>
<tr>
<td>William Clark</td>
<td>Hon. Sandra Ross Storm</td>
</tr>
<tr>
<td>Penny Davis **</td>
<td>Bryant A. Whitmire, Jr.</td>
</tr>
<tr>
<td>Honorable Richard Dorrough</td>
<td></td>
</tr>
</tbody>
</table>

### Landlord/Tenant (2002)

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>LaVeeda Morgan Battle</td>
<td>Ben Johnson</td>
</tr>
<tr>
<td>Professor Carol Brown</td>
<td>Professor David Langum</td>
</tr>
<tr>
<td>John S. Casey</td>
<td>John V. Lee</td>
</tr>
<tr>
<td>Greggory M. Deitsch</td>
<td>William Z. Messer</td>
</tr>
<tr>
<td>Fred T. Enslen</td>
<td>H. Floyd Sherrod, Jr.</td>
</tr>
<tr>
<td>Jack Floyd</td>
<td>James M. “Buddy” Tingle*</td>
</tr>
<tr>
<td>William J. Gamble</td>
<td>Nathan G. Watkins, Jr.</td>
</tr>
<tr>
<td>William F. Horsley</td>
<td>Jerry Wood</td>
</tr>
</tbody>
</table>
### Limited Liability Company (LLC) (1993)

| Louis E. Braswell | Gregory Leatherbury, Jr. |
| Professor Jim Bryce** | Mark Maloney |
| Richard Cohn* | Thomas Mancuso |
| Bob Denniston | George Maynard |
| Bruce P. Ely | Michael Rediker |
| Jim B. Grant, Jr. | Bradley J. Sklar |
| Fred Helmsing | Professor Howard Walthall |
| R. Kent Henslee | Robert Walthall |
| Ted Jackson | |

### Limited Liability Company (LLC) with Amendments (1998)

| Louis E. Braswell | Curtis O. Liles, III |
| Professor Jim Bryce** | Ralph Loveless |
| Richard Cohn | Scott Ludwig |
| C. Fred Daniels | John F. Lyle, III |
| Bob Denniston | Mark Maloney |
| Bruce P. Ely | Thomas Mancuso |
| Jim B. Grant, Jr. | George F. Maynard |
| Fred Helmsing | Jim G. McLaughlin |
| R. Kent Henslee | Gordon Rosen |
| Ted Jackson | Bradley Sklar |
| Robert G. Johnson | Timothy S. Tracy |
| G. David Johnston | Professor Howard Walthall |
| Professor Tom Jones | Robert Walthall* |
| Greg L. Leatherbury, Jr. | |

### Limited Liability Company (LLC), Revised

| William J. Bryant | Richard L. Pearson |
| Professor James Bryce ** | Lynn Belt Schuppert |
| Laura Crum | George A. Smith, II |
| Kent Henslee * | Jack P. Stephenson, Jr. |
| Scott Ludwig | Cleophus Thomas, Jr. |
| John F. Lyle, III | Robert C. Walthall |
| Thomas Mancuso | James C. Wilson, Jr. |
| Jim McLaughlin | Barry D. Vaughn |
**Limited Liability Partnership (LLP) (1996)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joseph t. Carpenter</td>
<td>John F. Lyle, III</td>
</tr>
<tr>
<td>C. Fred Daniels *</td>
<td>Robert G. Johnson</td>
</tr>
<tr>
<td>Jim B. Grant</td>
<td>G. David Johnston</td>
</tr>
<tr>
<td>Curtis O. Liles, III</td>
<td>Professor Tom Jones **</td>
</tr>
<tr>
<td>Ralph Loveless</td>
<td>Gordon Rosen</td>
</tr>
<tr>
<td>Scott Ludwig **</td>
<td>Timothy S. Tracy</td>
</tr>
</tbody>
</table>

**Limited Partnership Act (1981)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harold Apolinsky</td>
<td>Tom Krebs</td>
</tr>
<tr>
<td>Louis E. Braswell</td>
<td>Thomas Mancuso</td>
</tr>
<tr>
<td>Richard Cohn *</td>
<td>George Maynard</td>
</tr>
<tr>
<td>Steve Cooley</td>
<td>Michael Rediker</td>
</tr>
<tr>
<td>Penny Davis</td>
<td>Joe Ritch</td>
</tr>
<tr>
<td>Bob Denniston</td>
<td>Jim Stivender</td>
</tr>
<tr>
<td>Jay Guin</td>
<td>Professor Howard Walthall **</td>
</tr>
<tr>
<td>Fred Helmsing</td>
<td>Robert Walthall</td>
</tr>
<tr>
<td>Ted Jackson</td>
<td></td>
</tr>
</tbody>
</table>

**Limited Partnership, Revised (1998)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louis E. Braswell</td>
<td>Curtis O. Liles, III</td>
</tr>
<tr>
<td>Professor Jim Bryce</td>
<td>Mark Maloney</td>
</tr>
<tr>
<td>Richard Cohn</td>
<td>Thomas Mancuso</td>
</tr>
<tr>
<td>Bob Denniston *</td>
<td>George Maynard</td>
</tr>
<tr>
<td>Bruce P. Ely</td>
<td>Raymond Eric Powers, III</td>
</tr>
<tr>
<td>Fred Helmsing</td>
<td>Michael Rediker</td>
</tr>
<tr>
<td>R. Kent Henslee</td>
<td>Robert Walthall</td>
</tr>
<tr>
<td>Ted Jackson</td>
<td>Professor Howard Walthall **</td>
</tr>
<tr>
<td>Greg L. Leatherbury, Jr.</td>
<td></td>
</tr>
</tbody>
</table>

**Limited Partnership, Revised (2004)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>William J. Bryant</td>
<td>D. Ashley Jones</td>
</tr>
<tr>
<td>Professor James Bryce **</td>
<td>Jim McLaughlin</td>
</tr>
<tr>
<td>Fred Daniels</td>
<td>Scott E. Ludwig</td>
</tr>
<tr>
<td>Robert P. Denniston</td>
<td>Jack P. Stephenson, Jr.*</td>
</tr>
<tr>
<td>Bingham D. Edwards</td>
<td>Professor Howard Walthall</td>
</tr>
<tr>
<td>Kent Henslee</td>
<td>James C. Wilson, Jr.</td>
</tr>
</tbody>
</table>
Multiple-Person Accounts (1997)

Richard Carmody  Professor Gene Marsh**
David Carroll    Jerry Powell
Robert Couch     Terrill W. Sanders
Edward A. Dean   Ronald L. Sims
Professor Michael Floyd  Joe Stewart
Bill Hairston, III  C. Stephen Trimmier
Palmer Hamilton   Sam Upchurch
Wallace D. Malone, III  Larry Vinson, Jr.*

Notarial Acts

Andres Allen  Honorable David Kimberley
Honorable Don Banks  Othni Lathram**
Charlie Beavers  Honorable Alice Martin
Joe Colquitt    Dennis Pantazis
Greg Cook      Harlan Prater, IV *
Ernie Cory     Emily Raley
Representative Paul DeMarco  William Ross
Honorable Jim Fuhrmeister  Nick Roth
William Hairston, III  Emily Thompson
Edward “Ted” Holt   Al Vance
Kermit Kendrick  W. Clark Watson

Nonprofit Corporation (1983)

Harold Albritton  Ed Hines
Pat Burnham     George Maynard
Sidney Cook     Earnest Potter
L. B. Feld**    Yetta Samford*
Ralph Gaines    Watson Smith
Bill Hause
# Nonprofit Corporation Act - Current

<table>
<thead>
<tr>
<th>Douglas Adair</th>
<th>Greg Everett</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Baker</td>
<td>Kent Henslee</td>
</tr>
<tr>
<td>LaVeeda Morgan Battle</td>
<td>K. Wood Herren</td>
</tr>
<tr>
<td>Professor James Bryce **</td>
<td>William Lineberry</td>
</tr>
<tr>
<td>J. Sydney Cook, III</td>
<td>Timothy Littrell</td>
</tr>
<tr>
<td>Linda Dukes Connor</td>
<td>Gay Blackburn Maloney</td>
</tr>
<tr>
<td>Laura Crum</td>
<td>Beth Marietta-Lyons</td>
</tr>
<tr>
<td>Thomas R. DeBray</td>
<td>Warren Matthews</td>
</tr>
<tr>
<td>L. B. Feld *</td>
<td>James M. Pool</td>
</tr>
</tbody>
</table>

## Parentage (2004)

<table>
<thead>
<tr>
<th>Gordon Bailey, Jr.</th>
<th>Honorable Ed Gosa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Honorable Don Banks</td>
<td>Dorothy Harshbarger</td>
</tr>
<tr>
<td>C. Park Barton, Jr.</td>
<td>Honorable Philip Lisenby</td>
</tr>
<tr>
<td>Honorable Mike Bolin</td>
<td>Robert E. Lusk, Jr.</td>
</tr>
<tr>
<td>David Broome</td>
<td>Robert H. Maddox</td>
</tr>
<tr>
<td>Jennifer Bush</td>
<td>Randall W. Nichols</td>
</tr>
<tr>
<td>Penny Davis **</td>
<td>Bryant A. Whitmire, Jr.</td>
</tr>
<tr>
<td>Noah Funderburg *</td>
<td></td>
</tr>
</tbody>
</table>

## Partnership (1996)

<table>
<thead>
<tr>
<th>Joseph T. Carpenter</th>
<th>Curtis O. Liles, III</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Fred Daniels *</td>
<td>Ralph Loveless</td>
</tr>
<tr>
<td>Jim B. Grant</td>
<td>John F. Lyle, III</td>
</tr>
<tr>
<td>Professor Tom Jones **</td>
<td>Gordon Rosen</td>
</tr>
<tr>
<td>Robert G. Johnson</td>
<td>Timothy Tracy</td>
</tr>
<tr>
<td>G. David Johnston</td>
<td></td>
</tr>
</tbody>
</table>
Power of Attorney

Scott Adams  
Lee Armstrong  
Anna Funderburk Buckner  
Richard Cater *  
John Daniel  
Edward A. Dean  
Professor Michael Floyd  
Randy Fowler  
Professor Tom Jones **

Bruce J. McKee  
Robert T. Meadows, III  
Marcus W. Reid  
Ronald L. Sims  
Carol Ann Smith  
Finis St. John, IV  
L. Vastine Stabler, Jr.  
Leonard Wertheimer, III  
Brian T. Williams

Principal and Income Act  (1999)

Joseph B. Cartee  
Richard H. Cater  
John W. Gant, Jr.  
Lyman F. Holland, Jr.  
Professor Tom Jones **  
Harold Kushner  
Daniel Markstein, III  
Melinda Mathews  
J. Reese Murray, III  
Ralph Quarles  
Debra Deames Spain  
Leonard Wertheimer, III *  
Ralph Yeilding

Principal and Income Act Amendments

Scott Adams  
LaVeeda Morgan Battle  
Anna Funderburk Buckner  
Senator Linda Coleman  
Richard Frankowski  
William Hairston, III  
Lyman Holland, Jr.  
Professor Tom Jones  
Othni Lathram **  
J. Reese Murray, III  
Myra Roberts, CPA  
Alan Rothfeder  
Leonard Wertheimer, III *  
Brian Williams  
Ralph Yeilding
Probate Code (1983)

E.T. Brown *  
Annette Dodd  
O. H. Florence  
Randy Fowler  
John W. Gillon  
Lyman Holland  
Professor Tom Jones **

Louis B. Lusk  
Joe McEarchern  
Irvine C. Porter  
Judy Todd  
Bob Woodrow  
John N. Wrinkle

Probate Procedure (1994)

Mike Bolin  
E.T. Brown, Jr.*  
Annette Dodd  
Keith Foster  
Randy Fowler  
Norman W. Harris, Jr.  
Lyman F. Holland, Jr.  
Professor Tom Jones **  
Louis B. Lusk  
Joe McEarchern  
Lionel Noonan  
Joe L. Payne  
George Reynolds  
Frank Riddick  
Kirby Sevier  
Judy F. Todd  
Leonard Wertheimer, III  
Bob Woodrow, Jr.  
John N. Wrinkle

Professional Corporation Committee (1984)

Harold I. Apolinsky *  
Joseph S. Bluestein  
Professor Jim Bryce **  
Ira Burleson  
Harwell E. Coale, Jr.  
Steve Crawford  
C. Fred Daniels  
David S. Dunkle  
Norman Harris  
Robert Johnson  
Thomas G. Mancuso  
Robert H. Pettey, Jr.  
Stephen J. Pettit  
Don F. Siegal  
Robert Tanner
Prudent Management of Institutional Funds (2007)

Lee Armstrong
Anna Funderburk Buckner
Richard Cater *
John Daniel
Edward A. Dean
Professor Michael Floyd
Randy Fowler
Samuel Franklin
Professor Tom Jones **
R. Blake Lazenby
Wallace D. Malone, III
Bruce J. McKee
Robert T. Meadows, III
Marcus W. Reid
Ronald L. Sims
Carol Ann Smith
Finis St. John, IV
L. Vastine Stabler, Jr.
Leonard Wertheimer, III
Brian T. Williams
Ralph Yeilding


Jerry Bassett
Professor Jim Bryce **
John Harrell
Kyle Johnson
Jack Levy
Richardson McKenzie, III
William E. Shanks, Jr.
Chris Simmons
William Stephens
Dana Thrasher
Brand Walton, Jr.

Real Estate (1987)

Joe Adams
Jim Campbell
Professor Harry Cohen **
Wayne Copeland
Fred T. Enslen, Jr.
Bill Hairston, Jr.
Bob Harris
Hugh Lloyd *
George Maynard
Drayton Pruitt, Jr.
Robert J. Russell
Louis Salmon
Yetta Samford
Morris Savage
James M. Tingle
Caroline E. Wells
Real Estate Committee - Current

Jeffery T. Baker               Robert L. McCurley **
Charles Beavers, Jr.           William Z. Messer
Representative Marcel Black    Randall H. Morrow
Chris Booth                   John M. Plunk *
Paul E. Burkett               Courtney R. Potthoff
James M. Campbell             F. Don Siegal
J. Milton Coxwell, Jr.         David C. Skinner, LLC
Jesse P. Evans, III           Donna Snider
William J. Gamble             Carol H. Stewart
William B. Hairston, III      James M. Tingle
Warren Laird, II              W. Clark Watson
Professor David Langum        Jerry Wood
Honorable Alice K. Martin      David Whetstone

Residential Mortgage Satisfaction Act (2007)

Jeffery T. Baker               Honorable Alice K. Martin
Charles Beavers, Jr.           Robert L. McCurley **
Representative Marcel Black    Randall H. Morrow
Paul E. Burkett               John M. Plunk *
James M. Campbell             Courtney R. Potthoff
J. Milton Coxwell, Jr.         Mary Ponds
Jesse P. Evans, III           F. Don Siegal
William J. Gamble             David C. Skinner, LLC
William B. Hairston, III      Donna Snider
Warren C. Herlong, Jr.         Carol H. Stewart
Representative Mike Hill      James M. Tingle
Warren Laird, II              W. Clark Watson
Professor David Langum        Jerry Wood
Restrictive Covenants in Contracts

Eric Bruggink                    Rebekah McKinney
Andy Campbell                   Casey Pipes
Jerome Dees                     Representative Bill Poole
Mike Ermert                      Richard Raleigh
Jill Evans                       Stephen Shaw
Michael Freeman                  Buddy Smith
Bill Hasty                       Ashley Swink
Harry Hopkins                    Will Hill Tankersley*
Gorman Houston                   Al Vance
Adam Israel                      Senator Phil Williams
David Kimberley                  Jim Wilson

Rule Against Perpetuities

Scott Adams                      Lane Knight
James Bridges, III               Professor David Langum
Glen Connor                      Bradley Lard
J. Sydney Cook, III              Robert Loftin, III
Professor Michael Floyd          Mark Maloney
Randy Fowler                     Joseph McCorkel, Jr.
Robert Gardner                   J. Reese Murray, III
Duane Graham                     Honorable John Paluzzi
Stephen Greene                   Bruce Rawls
William Hairston, III            William Shanks, Jr.
Lyman Holland, Jr.               David Skinner
Nancy Hughes                     Carol Smith
Professor Tom Jones              Leonard Wertheimer, III

David A. Bagwell
A. W. Bolt, II
David R. Boyd
Hon. Robert L. Byrd, Jr.
Arthur Fite, III
Honorable James Haley
Francis H. Hare, Jr.
Professor Jerome Hoffman
Phillip A. Laird
Jack Livingston

Champ Lyons, Jr.
Bruce J. McKee
Richard S. Manley
Oakley Melton, Jr.
James D. Pruett
W. H. (Skip) Rogers
Honorable Dewaine L. Sealey
W. Stancil Starnes
John Taber
Larry Vines

Rules of Criminal Procedure (1983)

Oscar Adams, Jr.
Billy Burney
Ed Carnes
William N. Clark
Joseph A. Colquitt
Milton Davis
Rosa Hamlet Davis
Nancy Smith Gaines
Ian Gaston
Charles Graddick
Lawrence J. Hallett, Jr.
Robert E. Hodnette*
Karen Daniel Knight

William H. Lumpkin
Glenn F. Manning
Robert L. McCurley **
M. Clinton McGee
William McKnight
Joe McLean
Hugh D. Merrill
Newman Sankey
Tom Sorrell
Lavern Tate
Lewey Stephens
Charles Tarter *
Charles Trost **
## Rules of Criminal Procedure

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. William Bowen, Jr.*</td>
<td>John Tommy Leverette</td>
</tr>
<tr>
<td>George L. Beck, Jr.</td>
<td>Honorable Eugenia Loggins</td>
</tr>
<tr>
<td>Hon. John Benjamin Bush</td>
<td>Justice Hugh Maddox</td>
</tr>
<tr>
<td>Rosa Davis</td>
<td>Lane W. Mann</td>
</tr>
<tr>
<td>Robert G. Esdale</td>
<td>Robert L. McCurley, Jr.**</td>
</tr>
<tr>
<td>J. Doyle Fuller</td>
<td>Bill C. Messick</td>
</tr>
<tr>
<td>Thomas M. Goggans</td>
<td>Honorable Daniel Reeves</td>
</tr>
<tr>
<td>Arthur Green, Jr.</td>
<td>Honorable Ashley Rich</td>
</tr>
<tr>
<td>Jon B. Hayden</td>
<td>Honorable Greg Shaw</td>
</tr>
<tr>
<td>Alex Jackson</td>
<td>Honorable Anetta H. Verin</td>
</tr>
<tr>
<td>Honorable Clyde E. Jones</td>
<td>Honorable Mary Windom</td>
</tr>
<tr>
<td>John A. Lentine</td>
<td></td>
</tr>
</tbody>
</table>

## Rules of Evidence (1996)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Clark, Ex Officio</td>
<td>L. Tennent Lee, III</td>
</tr>
<tr>
<td>Joe Colquitt</td>
<td>Howard Allyn Mandell</td>
</tr>
<tr>
<td>Greg Cusimano</td>
<td>Bruce J. McKee</td>
</tr>
<tr>
<td>Professor Charles Gamble**</td>
<td>Frank B. McRight</td>
</tr>
<tr>
<td>Pat Graves *</td>
<td>William Hayes Mills</td>
</tr>
<tr>
<td>Sally Greenhaw</td>
<td>Richard Ogle</td>
</tr>
<tr>
<td>Arthur J. Hanes</td>
<td>Abner R. Powell, III</td>
</tr>
<tr>
<td>Brooks Holmes</td>
<td>Ernestine Sapp</td>
</tr>
<tr>
<td>A. Richard Igou</td>
<td>C. Lynwood Smith, Jr</td>
</tr>
<tr>
<td>Ralph Knowles, Jr.</td>
<td>Clarence M. Small, Jr.</td>
</tr>
</tbody>
</table>

## Rules of the Road (1980)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles E. Alexander</td>
<td>Harold J. Hammond</td>
</tr>
<tr>
<td>Gerald Anderson</td>
<td>Professor Tim Hoff **</td>
</tr>
<tr>
<td>Houston D. Anderson</td>
<td>Frank D. Marsh</td>
</tr>
<tr>
<td>James E. Berry</td>
<td>Sam P. McClurkin</td>
</tr>
<tr>
<td>Jack Blumenfeld</td>
<td>William L. Sanky</td>
</tr>
<tr>
<td>Tommy Coleman</td>
<td>Robert Simpson</td>
</tr>
<tr>
<td>R.R. Evans</td>
<td></td>
</tr>
</tbody>
</table>
Securities Act (1990)

Louis H. Anders, Jr.        Charles C. Pinckney
L. Burton Barnes *          James D. Pruett
Carolyn L. Duncan          Yetta G. Samford, Jr.
Meade Frierson, III        R. Frank Ussery
Carl L. Gorday             Howard P. Walthall **
Marshall S. Harris         William J. Ward
Thomas G. Mancuso          Prof. Manning Warren, III
James L. North             C. Larimore Whitaker


Ed Ashton                   James L. North
Jerry Bassett               E. B. Peebles, III
Hamp Boles                  Charles C. Pinckney
Joseph P. Borg              James D. Pruett
Carolyn Duncan             J. Michael Savage
Tom Krebs                   Chris S. Simmons
Othni Lathram               Professor Howard Walthall
Tommy G. Mancuso            Mike Waters *
Bruce J. McKee              James C. Wilson, Jr.
T. Kurt Miller

Trademark Act (1988)

Ike Espy                     C. Henry Marston
Andrew J. Gentry, Jr.        Oakley W. Melton, Jr.*
Val Hain                     Walter Owens
Evelyn Ham                   Harold See **
Nat Hansford                 Donald Stewart
Thad G. Long
Trademark Act 2009 Amendments

Lee F. Armstrong *  
Donna Bailer  
Honorable Jean Brown  
Brian Clark  
Diane Crawley  
Stephen Hall  
M. Lee Huffacker **  
Thad Long  
Sheree Martin  
Kimberly Powell  

David Quittmeyer  
Richard Rouco  
Justice Harold See  
Bruce Siegal  
James Dale Smith  
Will Hill Tankersley, Jr.  
M. Chad Tindol  
India Vincent  
Lance Wilkerson

Trade Secrets/Trade Names  (1987)

David B. Byrne, Jr.  
Charles Cleveland  
Richard H. Gill  
Thad Long  
Sam Phelps  

Gary L. Rigney  
Professor Harold See **  
James Dale Smith  
L. Vastine Stabler, Jr.*  
Ross Thompson, Jr.

Transfers to Minors  (1986)

Joe Bailey  
C. Fred Daniels  
William J. Gamble  
Kent Henslee  
Lyman F. Holland *  
Kyle Johnson  

Professor Tom Jones **  
Winston V. Legge, Jr.  
Ralph Quarles  
Kirby Sevier  
Don F. Siegal


LaVeeda Morgan Battle  
Douglas Bell  
Anna Funderburk Buckner  
J. Sydney Cook, III  
Robert T. Gardner  
Lyman F. Holland, Jr.  
Ted Jackson  
Professor Tom Jones

Cynthia G. Lamar-Hart  
Robert L. Loftin  
Bruce J. McKee  
J. Reese Murray, III  
Bruce A. Rawls  
Leonard Wertheimer, III  
Ralph Yeilding *
Standing Trust Committee (2013)

Scott Adams
LaVeeda Battle
Douglas Bell
Justice Mike Bolin
Anna Funderburk Buckner
Ross Cohen
Sydney Cook
Fred Daniels**
Kay Donnellan
Richard Frankowski
Robert Gardner
Bill Hairston
Lyman Holland
Ted Jackson
Professor Tom Jones
Cynthia Lamar-Hart
Robert Loftin
Reese Murray
Bruce Rawls
Robert Riccio
Myra Roberts
Alan Rothfeder
William Walker
Leonard Wertheimer*
Ralph Yielding*

Article 1

Richard Allen
Rep. Marcel Black
Ed Dean
Professor Mike Floyd
William Hairston, III
Professor Bill Henning
Kent Henslee
Professor Gene Marsh**
Randall Morrow
Flynn Mozingo
James D. Pruett
Michael E. Ray
Ronald L. Sims
Joseph G. Stewart
Laurence D. Vinson, Jr.*
Lois Woodard

Article 2A
Uniform Commercial Code (1993)

Professor Peter Alces **
Douglas T. Arendall
Hamp Boles
Andy Campbell
Bob Fleenor *
Ralph Franco
John Givhan
Bill Hairston, Jr.
Neil Johnston
Jim Klinefelter
Barry Marks
Elbert Parsons, Jr.
Joseph Stewart
Mike Waters

202
Articles 3 & 4
Uniform Commercial Code (1996)

John Andrews
Douglas Arendall
L. Burton Barnes
Hamp Boles
Richard Carmody
David Carroll
Robert Couch
Edward A. Dean
Professor Michael Floyd
Bill Hairston, III
Palmer Hamilton
Wallace D. Malone, III
Professor Gene Marsh **
Judge James Sledge
Joe Stewart
C. Stephen Trimmier
Laurence D. Vinson, Jr.*

Article 4A
Uniform Commercial Code (1993)

John Andrews
Hamp Boles
L. Burton Barnes
Robert Couch
Richard Carmody
Wesley Pipes
Bill Hairston, III
Ronald L. Sims
Judge James Sledge
Joe Stewart
Laurence D. Vinson, Jr.*

Article 5

John H. Burton
Richard Carmody
Professor Mike Floyd **
William B. Hairston, III
George Maynard
E.B. Peebles, III *
Wesley Pipes
James Pruett
Joseph G. Stewart
Leonard C. Tillman
Sam Upchurch
Larry Vinson, Jr.
Robert Walston
Article 6
Uniform Commercial Code (1997)

John Andrews
Douglas Arendall
L. Burton Barnes
Hamp Boles
Richard Carmody
David Carroll
Robert Couch
Edward A. Dean
Professor Michael Floyd
Bill Hairston, III
Palmer Hamilton
Wallace D. Malone, III
Professor Gene Marsh **
Ronald L. Sims
Judge James Sledge
Joe Stewart
C. Stephen Trimmier
Laurence D. Vinson, Jr.*

Article 7

Richard Allen
Rep. Marcel Black
Ed Dean
Professor Mike Floyd
William Hairston, III
Professor Bill Henning
Kent Henslee
Professor Gene Marsh **
Randall Morrow
Flynn Mozingo
James D. Pruett
Michael E. Ray
Ronald L. Sims
Joseph G. Stewart
Laurence D. Vinson, Jr.*
Lois Woodard

Article 8
Uniform Commercial Code (1997)

Ed Ashton
Kay Bains
Preston Bolt
Mike Ford
Debbie Long
Kris Lowry
Robert D. McWhorter, Jr.
Kurt Miller
E.B. Peebles, III *
James D. Pruett
James Dale Smith
Sam Upchurch
Professor Howard Walthall**
Bill Ward
Mike Waters
Helen Wells
## Article 9 (Revised)
### Uniform Commercial Code (1982)

<table>
<thead>
<tr>
<th>Professor Don Baker **</th>
<th>D. Paul Jones *</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Robert Fleenor</td>
<td>George Maynard</td>
</tr>
<tr>
<td>George Ford</td>
<td>Robert L. Potts</td>
</tr>
<tr>
<td>John Givhan</td>
<td>Robert E. Steiner</td>
</tr>
<tr>
<td>William B. Hairston, Jr.</td>
<td>George S. Wright</td>
</tr>
<tr>
<td>Lyman Holland</td>
<td></td>
</tr>
</tbody>
</table>

## Article 9 (Revised)
### Uniform Commercial Code (1999)

<table>
<thead>
<tr>
<th>Edward J. Ashton</th>
<th>James Pruett</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professor Don Baker</td>
<td>McDonald Russell, Jr.</td>
</tr>
<tr>
<td>Judy H. Barganier</td>
<td>James S. Sledge</td>
</tr>
<tr>
<td>Hampton Boles</td>
<td>Joseph C. Stewart</td>
</tr>
<tr>
<td>Richard P. Carmody</td>
<td>Julia S. Stewart</td>
</tr>
<tr>
<td>Professor Mike Floyd</td>
<td>Stephen Trimmier</td>
</tr>
<tr>
<td>William B. Hairston, III</td>
<td>Lawrence D. Vinson, Jr.</td>
</tr>
<tr>
<td>A. Lee Hardegree</td>
<td>Al Watkins</td>
</tr>
<tr>
<td>Kris Lowry</td>
<td>Mark Williams</td>
</tr>
<tr>
<td>Professor Gene Marsh</td>
<td></td>
</tr>
</tbody>
</table>

## Article 9 Amendments
### Uniform Commercial Code (2011)

<table>
<thead>
<tr>
<th>Edward Ashton</th>
<th>Kris Lowry</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representative Paul Beckman</td>
<td>Joel Price, Jr.</td>
</tr>
<tr>
<td>Alfred Booth</td>
<td>James Pruett</td>
</tr>
<tr>
<td>Richard Carmody</td>
<td>Professor Gary Sullivan</td>
</tr>
<tr>
<td>Professor Mike Floyd</td>
<td>Senator Bryan Taylor</td>
</tr>
<tr>
<td>William Hairston</td>
<td>Stephen Trimmier</td>
</tr>
<tr>
<td>Professor Bill Henning **</td>
<td>Brian Vines</td>
</tr>
<tr>
<td>Inge Johnstone</td>
<td>Laurence Vinson, Jr. *</td>
</tr>
</tbody>
</table>
**Uniform Interstate Family Support Act (2014)**

Gordon F. Bailey, Jr.  
Honorable William K. Bell  
Ron Boyd  
David P. Broome  
Jennifer M. Bush  
Keith E. Brasher  
David Byrne, Jr.  
Kathy Coxwell  
Penny Davis **  
Honorable Wade Drinkard  
Jack Floyd  
Jim Jeffries  
Sammye Kok  
Susan B. Livingston  
Robbie Lusk, Jr.  
Bob Maddox  
Karen Mastin-Laneaux  
Randall W. Nichols  
Julia Smeds Roth *  
Honorable Philip K. Seay  
Bryant A. Whitmire,Jr.

**Unincorporated Nonprofit Association (1996)**

Malcolm N. Carmichael  
Manley L. Cummins, III  
L.B. Feld *  
Mark L. Gaines  
Bill Hinds  
Virginia Hopkins  
Mary Ellen Lamar  
Jim Main  
Bob Pearson  
Redding Pitt  
Thomas D. Samford, III  
Leah Scalise  
L. Vastine Stabler, Jr.  
Alyce Spruell  
Julia Stewart  
Dr. Richard Thigpen **  
James W. Webb  
James Jerry Wood

**Unitrust**

Scott Adams  
LaVeeda Battle  
Doug Bell  
Anna Funderburk Buckner  
Senator Linda Coleman  
Sydney Cook  
Fred Daniels**  
Kay Donnellan  
Richard Frankowski  
Robert Gardner  
Bill Hairston  
Lymon Holland  
Ted Jackson  
Tom Jones  
Cynthia Lamar-Hart  
Bob Loftin  
Reese Murray  
Bruce Rawls  
Bob Riccio  
Myra Roberts  
Alan Rothfeder  
Leonard Wertheimer*  
Brian Williams  
Ralph Yielding*
XII.

FORMER RESEARCH ASSISTANTS

1975-1976
Al Agricola
Linda Breland
David Broome
Pat Boyd
Karen Callahan
George Callen
Andy Campbell
John Civills, Jr.
Jane de Lissovoy
Charles Dunn
Lucian Gillis, Jr.
Larry Hallett, Jr.
Carl Johnson
Tim McAbee
James McNeill, Jr.
David Martin, III
Roy Moore
Mike O'Dell
Herman Pagent
Maury Sheven
Steve Still
Julie Waters

1976-1977
Al Agricola
Karen Callahan
George Callen
Andy Campbell
John Civills, Jr.
Jane de Lissovoy
Lucian Gillis, Jr.
Carl Johnson
Tim McAbee
James McNeill, Jr.

1977-1978
Al Agricola
John Civills, Jr.
Penny A. Davis
Therese de Saint-Phalle
Jim Frost
Ted Giles
Lucian Gillis, Jr.
Paula Hinton
Carl Johnson
David Martin, III
Roy Moore
Gerald Paulk
Steve Rowe
John Springer
Steve Still
Julie Waters
Caroline Wells

1978-1979
Shap Ashley
Jim Byram
Andy Campbell
Kathy Collier
Therese de Saint-Phalle
Penny A. Davis
Rayford Etherton
Jim Frost
Jim Goyer
Mike Graffeo                Regina Holmes
Paula Hinton               Paula Ivey
Jeff Jones                 Michael Majure
Kenny Mendleson            Keith Norman
Bert Owen                  Perry Reeder Pearce
Eddie Parker               Dudley Reese
Gerald Paulk               Tommy Reynolds
Perry Reeder               Jessica Smith
Helen Roan                 Harold Stephens
Harold Stephens            Bill Stokes
Bill Stokes                Jim Tompkins

1979-1980
Sabrina Andry
Paul Brown
Kin Clinton
George Day
Kirk Davenport
Edward Dean
Tom DeBray
Doug Dunning
Raymond J. Hawthorne
Regina Holmes
Clare Hughes
Jeff Jones
Keith Norman
Mary Lil Owens
Perry Reeder
Tommy Reynolds
George Simons
Elizabeth Skinner
Harold Stephens
Bill Stokes

1981-1982
Beverly Lynn Belt
Robert Lew Burdette
Brenda Burns
William G. Gantt
Anne J. Hendrix
Paula D. Ivey
Elizabeth Kim King
Debra Ann Lee
Jeffrey L. Luther
Michael K. Majure
James E. Smith, Jr.
Jessica Ann Smith
James B. Tompkins

1982-1983
Anne H. Avera
Brenda Burns
Gregg B. Everett
William H. Filmore
Clara L. Fryer
Kevin L. Johnson
Elizabeth Kim King
Debra Ann Lee
Elizabeth A. LeVan
Mike Majure
James E. Smith, Jr.
David Key Taylor

1980-1981
Lynn Belk
Lew Burdette
Karen Burleson
George Day
William Gantt
Raymond J. Hawthorne
<table>
<thead>
<tr>
<th>Year</th>
<th>Members</th>
</tr>
</thead>
</table>
| **1983-1984** | Grant Baldwin  
|           | Silver Broome  
|           | Chris Dozier  
|           | William H. Filmore  
|           | Timothy Francis  
|           | Lisa Huggins  
|           | Kevin L. Johnson  
|           | Elizabeth A. LeVan  |
| **1984-1985** | Silver Broome  
|           | Manley Cummins  
|           | Ann Dozier  
|           | Tim Francis  
|           | Lisa Huggins  
|           | Mary Ellen Lamar  
|           | Elizabeth A. LeVan  |
| **1985-1986** | Catherine Anderson  
|           | Manley Cummins  
|           | Mary Ellen Lamar  
|           | Richard Silfen  
|           | Mark Teal  |
| **1986-1987** | Catherine Anderson  
|           | Tim Culpepper  
|           | Bob Maddox  
|           | Adam Porter  
|           | John Sharbrough  
|           | Richard Silfen  
|           | Wes Smith  
|           | Jim Sturdivant  
|           | Mark Teal  |
| **1987-1988** | Belinda Barnett  
|           | George Martin, Jr.  
|           | Joe Steadman  |
|           | Richard R. Whidden, Jr.  
|           | Sylvia Garvin  
|           | Michael J. Wiggins  |
|           | Sylvia Garvin  
|           | Rebecca J. Anthony  
|           | Michael J. Wiggins  
|           | Russell Sandidge  |
|           | Sylvia Garvin  
|           | Rebecca J. Anthony  
|           | Jean Powers  
|           | Sam Sullivan  
|           | Michael J. Wiggins  
|           | Russell Sandidge  
|           | Kevin Walding  
|           | Henry Perry  
|           | William H. Starnes  |
| **1990-1991** | Jonathan E. Taylor  
|           | Jill O. Radwin  
|           | Rebecca J. Anthony  
|           | Henry L. Perry  
|           | Samuel Sullivan, Jr.  
|           | Kevin Walding  
|           | Charles A. Powell, IV  
|           | William H. Starnes  |
|           | Jill O. Radwin  
|           | Rebecca J. Anthony  
|           | Amy Owen  
|           | Laura Proctor  
|           | Marjorie Dabbs  
|           | Timmy Milam  |
John McCulley

1992-1993
Richard P. Rouco
Jill O. Radwin
Charles E. Sanders, Jr.
Wendy A. Harvey
David Overstreet
Stephen Scott
William J. Daniel
Michael C. Strasavich
Mark P. Eiland
Risa B. Lischkoff
Laurence J. McDuff
Daniel Wood

1993-1994
Douglas C. Adair
Colby Allsbrook
Mark P. Eiland
John Daniel
Alan D. Leeth
Risa Lischkoff
Terre Su Little
Richard Rouco
Laurence J. McDuff
Stephen L. Scott
Jill O. Radwin

1994-1995
Douglas Adair
Robert Colby Allsbrook
Edward Shane Black
Joseph Brian D’Angelo
Leigh A. Haynie
Alan D. Leeth

1995-1996
Robert Colby Allsbrook
Edward Shane Black
Joseph Brian D’Angelo
Leigh A. Haynie
Alan D. Leeth

1996-1997
Guy D. Chappell, III
Anna-Katherine Graves
Christopher A. Pankey
Sarita T. Sanders
Robert D. Selwyn
Laura H. Tucker

1997-1998
Shannon M. Moore
Christopher A. Pankey
Robert D. Selwyn

1998-1999
Thad A. Davis
Ralph A. Ferguson, III
Eric L. Johnson
Othni J. Lathram

1999 - 2000
Phillip Hale
Othni J. Lathram
Jason Osborn
Valanda D. Lewis
Eric Roberts
Eric L. Johnson
Ralph A. Ferguson, III

2000 - 2001
Stuart Albea
Daniel Alexander
Edgar Black
James Crane
Neal Huchens
Othni Lathram
Joseph Stutz
Rodney Waites
Kimberly Ward
Justin Williams

2001 - 2002
Stuart Albea
Daniel R. Alexander
David E. Black
James L. Crane
Neal Hutchens
Joseph Stutz
Rodney Waites
Kimberly Ward

2002 - 2003
Stewart Albea
Cyrus Tres Barger
Stephanie Blackburn
Jennifer Anne Harris
Hea “Jini” Koh
William H. Lindsey
Eris Bryan Paul
Martin M. Poynter
Joseph Stutz

2003 - 2004
Jennifer Anne Harris
Hea “Jini” Koh
Eris Bryan Paul
Daniel Hauser
Stephanie Blackburn
Andrew Freeman
Cyrus Tres Barger
Meredith Smith

2004 - 2005
Andrew Freeman
Meredith Smith
Hea “Jini” Koh
William D. Hocutt, IV
Jennifer Harris
Eris Bryan Paul

2005 - 2006
John “Scott” Baldwin
Matthew Benton
Cullan Duke
Andrew “Andy” Freeman
William D. Hocutt, IV
Angela Lenski
Joseph “Trey” McClure
Steven Savarese

2006 - 2007
John “Scott” Baldwin
Chris Brinson
Drew Feeley
George Gaston
Jordan Gerheim
Heather Maney
Aaron McLeod
Kristin Osmer Drake
Chris Sanders
Brian Stewart
Nichelle Williams

2007 - 2008
Chris Brinson
Matthew Cannova
Kristin Osmer Drake
George Gaston
Jordan Gerheim
Heather Maney
Brian Stewart
Nichelle Williams

2008-2009
Barbara Agricola
Katresia Crummie
George Gaston
<table>
<thead>
<tr>
<th>Years</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009-10</td>
<td>Brett Hamock, Peter Jay, Melony Lockwood, Heather Maney, Kristin Osmer, D. G. Pantazis, Jr., Brian Stewart, Nichelle Williams</td>
</tr>
<tr>
<td>2011-12</td>
<td>Corey Colbert, Elizabeth Eiland, Chase Estes, SeTara Foster, Meagan Gantt</td>
</tr>
<tr>
<td>2012-13</td>
<td>Susan BetSayad, Kate Clark, Jerome Dees, Elka Graham, Daniel Harris, Caitlyn Smith</td>
</tr>
<tr>
<td>2013-14</td>
<td>Eric Coleman, Daniel Harris, Lauren Hislop, Meredith Maitrejean, Lane Morrison, Trevor Parrish, Alan Polson, Steven Strother, Brad Watts, Marshall Yates</td>
</tr>
</tbody>
</table>
XIII.

ALABAMA CAPITOL / LEGISLATIVE INTERNS

Alabama Capitol Interns

1979
Sundra Escott Governor's Office
Joe Varner Lt. Governor's Office
Hoyt Baugh Speaker's Office

1980
Karen Fairclothe Governor's Office
Lamar Higgins Governor's Office
Lynn Walker Lt. Governor's Office
Charles Carlton Speaker's Office

1981
Elizabeth Ann Valine Governor's Office
Susan Alicia Waddell Governor's Office
Kenneth Eugene White Governor's Office
David Key Taylor Lt. Governor's Office
Randall Virgill Houston Speaker's Office

1982
Ben Thompson Governor's Office
Darrell E. Sprowl Governor's Office
Allen E. Champion Lt. Governor's Office
Phil Baker Lt. Governor's Office
Terry Moorer Speaker's Office

1983
Joel Laird Governor's Office
Stan Allen Lt. Governor's Office
Tim Hermetz Speaker's Office
<table>
<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>1984</td>
<td>Thomas Michael Burnum</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Sheron J. Rose</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Charles D. Penry</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td>1985</td>
<td>Ben Foster</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Jean Powers</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Terry Morgan</td>
<td>Lt. Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Debra Kelley</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td></td>
<td>Jane Shackelford</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td>1986</td>
<td>Richard R. Newton</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Carl A. Petty</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Kristi Dubose</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td></td>
<td>Timothy M. Broughton</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td>1987</td>
<td>Susan Gunnells</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Orlanda Davis</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Christopher Frechette</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td>1988</td>
<td>Randall G. Mathews</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>JoAnn Sutton</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Janice K. Harris</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td>1989</td>
<td>Amy Michelle Meacham</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Susan &quot;Leigh&quot; Preuitt</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Patrice Oden</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td></td>
<td>Reba Campbell</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td>Year</td>
<td>Name</td>
<td>Office</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>1990</td>
<td>Tony Allen</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Deitra Crawley</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Jeff Miller</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td></td>
<td>Chris Pankey</td>
<td>Speaker Pro Tem's Office</td>
</tr>
<tr>
<td>1991</td>
<td>David Bryan Johnson</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Barry Eugene Robertson</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>William J. Rushing</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td></td>
<td>Laura Lee Weeks</td>
<td>Speaker Pro Tem's Office</td>
</tr>
<tr>
<td>1992</td>
<td>Jonathan M. Lyman</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Amy E. Dixon</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Sonia C. Norris</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td></td>
<td>Timothy Fortner</td>
<td>Speaker Pro Tem's Office</td>
</tr>
<tr>
<td>1993</td>
<td>Cameron Ward</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Jack Draper</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Roger Brown</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td></td>
<td>Rebecca Dormon</td>
<td>Speaker Pro Tem’s Office</td>
</tr>
<tr>
<td></td>
<td>Christine Rudolph</td>
<td>Legislative Reapportionment Office</td>
</tr>
<tr>
<td>1994</td>
<td>Allison Law</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Shane Sears</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Rodney Ellis</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td></td>
<td>Amy Atchison</td>
<td>Speaker Pro Tem's Office</td>
</tr>
<tr>
<td>1995</td>
<td>David Fleming</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Kells Carroll</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Kimberly Baker</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Landra Stewart</td>
<td>Speaker's Office</td>
</tr>
<tr>
<td></td>
<td>Kelly Stallworth</td>
<td>Speaker Pro Tem's Office</td>
</tr>
<tr>
<td>1996</td>
<td>Shawn D. Freeman</td>
<td>Governor's Office</td>
</tr>
<tr>
<td></td>
<td>Amy Elizabeth Smith</td>
<td>Lt. Governor's Office</td>
</tr>
<tr>
<td>Year</td>
<td>Name</td>
<td>Office</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>1997</td>
<td>Latonska Dwain Boswell</td>
<td>House of Representatives</td>
</tr>
<tr>
<td></td>
<td>Richard Jason Jordan</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Meagan Bishop</td>
<td>Lt. Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Edward Dean Mott</td>
<td>Senate</td>
</tr>
<tr>
<td></td>
<td>Frank Jerome Tapley</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td></td>
<td>Jonathan Scott Evans</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td></td>
<td>Mahari A. McTier</td>
<td>House Judiciary</td>
</tr>
<tr>
<td>1998</td>
<td>Kristopher D. Robinson</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Melinda L. Stallworth</td>
<td>Lt. Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Mary Rebecca Tyre</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td>1999</td>
<td>Andrew “Drew” Dill</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Enjoli Donette White</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Denise S. Randall</td>
<td>Lt. Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Brandon Paul Owens</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td>2000</td>
<td>Jared Lyles</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>David Bedsole</td>
<td>Lt. Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Felicia Watkins</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td>2001</td>
<td>James D. Martin</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Laura Beth Hammack</td>
<td>Lt. Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Lara Allred Mendes</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td></td>
<td>Yolanda E. Ratchford</td>
<td>House Judiciary</td>
</tr>
<tr>
<td>2002</td>
<td>Adrian J. Johnson</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Jason Harper</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td></td>
<td>Alisha L. Upchurch</td>
<td>Senate Office</td>
</tr>
<tr>
<td>2003</td>
<td>Alvin A. Lewis, Jr.</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Laurie M. Angerdina</td>
<td>Lt. Governor’s Office</td>
</tr>
<tr>
<td></td>
<td>Mary Anne Taylor</td>
<td>Speaker’s Office</td>
</tr>
</tbody>
</table>
2004
Program suspended due to budget decrease.

2005
Cory Steven Adair         House of Representatives
Jonathan K. Corley       House of Representatives
Kenneth E. Gawronski, Jr. Secretary of State’s Office
Parker G. Hughes          Senate Office
Elizabeth Ann McLain      Attorney General’s Office
Kristen E. Walker         House of Representatives

2006
Clarence B. Garden        House of Representatives
Allison Joanne Miller     House of Representatives
Taylor Minus              Senate Office
Jason Adam Munford        Lt. Governor’s Office
Shemika Brown             House of Representatives
Amelia Thomas             House of Representatives

Alabama District Legislative Interns

2006
Larry Dean Pender, Jr.    House of Representatives
Joon Suh                   House of Representatives
Tanae Hampton             House of Representatives
Jeremy Bartlett           House of Representatives
Bobby Martin              House of Representatives
## Alabama Legislative Interns

### 2007

<table>
<thead>
<tr>
<th>Intern</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jaclyn Cosper</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Whitney Jones</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Whitney Maddox</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Jason Riggs</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Lindsey Singletary</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Scott Vickery</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Daniel Wiley</td>
<td>Senate Office</td>
</tr>
</tbody>
</table>

### 2008

<table>
<thead>
<tr>
<th>Intern</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tijwana Alexander</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Kandra Bickley</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Rebecca Hodgen</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Cara Lucas</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Larry Newton</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Brett Remkus</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>S’Aisa Robinson</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Bryan Weaver</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>RaSarah Browder</td>
<td>House Committee</td>
</tr>
<tr>
<td>Kendell McKnight</td>
<td>House Committee</td>
</tr>
<tr>
<td>Taraha Stovall</td>
<td>Lt. Governor’s Office</td>
</tr>
<tr>
<td>Clif Richard</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td>Amanda Spiegel</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Rebekah McClain</td>
<td>Senate Office</td>
</tr>
</tbody>
</table>

### 2009

<table>
<thead>
<tr>
<th>Intern</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Todd Adams</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Lee Casey</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Rebecca McCracken</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Larry McCree</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Susie Minter</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Adarius Tolbert</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Toni Williams</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Erick Harris</td>
<td>Speaker’s Office</td>
</tr>
<tr>
<td>Oscar Berry</td>
<td>Senate Committee</td>
</tr>
<tr>
<td>Maria Hunter</td>
<td>Senate Committee</td>
</tr>
<tr>
<td>Elizabeth Vodde</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Brent Culver</td>
<td>Senate Office</td>
</tr>
<tr>
<td>David Nix</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Karl Lee</td>
<td>Senate Pro Tem Office</td>
</tr>
</tbody>
</table>
2010
Julie Brasher House of Representatives
Tami Goff House of Representatives
Dallas Jordan House of Representatives
Brittany Tedford House of Representatives
Al Teel House of Representatives
Mary Kidd House of Representatives
Dante Whittaker House of Representatives
Elizabeth Robinson House Committee
Jeremy Donald House Committee
Jennifer Palmer Lt. Governor’s Office
Karl Lee Senate Pro Tem Office
Anna Russell Speaker’s Office
Cori Blackburn Senate Office
Deborah Garrett Senate Office
Kendra Key Senate Committee
Elizabeth Vodde Senate Committee

2011
Katie Egan House of Representatives
Phee Friend House of Representatives
Bain Hanning House of Representatives
Jerome Jackson House of Representatives
Clay Loftin Lt. Governor’s Office
Dontrel Mosely House of Representatives
Cole Muzio House of Representatives
Erica Collins Thomas House of Representatives
Walker Watson House of Representatives
Andrew Mackey Senate Committee
Morgan Stewart Senate Committee
Mimi Williams Senate Office
Raquel Whitehead Senate Office
Trace Zarr, III Senate Office

2012
Sydney Holtzclaw Speaker’s Office
Dawyrnico McCain House Minority Office
Alex Cobb House Minority Office
Blair Boutwell House of Representatives
Gerald Cook House of Representatives
<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clay Loftin</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Ali Morgan</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Regina Newsome</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Ashley Hayes</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Kimberly Hunt</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Phee Friend</td>
<td>Senate Office</td>
</tr>
<tr>
<td>David Pinkleton</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Emily Roberson</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Josh Ward</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td>Brad Watts</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Ellie Wilson</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Marshall Yates</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Trace Zarr</td>
<td>Senate Office</td>
</tr>
</tbody>
</table>

**2013**

<table>
<thead>
<tr>
<th>Name</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hilaire Armstrong</td>
<td>Senate Office</td>
</tr>
<tr>
<td>David Ballard</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Caroline Blaylock</td>
<td>Governor’s Office</td>
</tr>
<tr>
<td>John Bradley</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Austin Dickinson</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Will Dismukes</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Liz Dowe</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Breanna Flintroy</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>T.J. Gibson</td>
<td>House Minority Office</td>
</tr>
<tr>
<td>Eric Hall</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Tabitha Harnage</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Jackson Horn</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Antron Johnson</td>
<td>House Minority Office</td>
</tr>
<tr>
<td>Desire Kafunda</td>
<td>House Minority Office</td>
</tr>
<tr>
<td>Grace Kennedy</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Mitchell Kilpatrick</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Jake Kistel</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Giles Langford</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Samantha McFarland</td>
<td>Senate Office</td>
</tr>
<tr>
<td>John Phillips</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Hayden Pugh</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Nick Sciple</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Will Sellers</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Tara Sexton</td>
<td>House of Representatives</td>
</tr>
<tr>
<td>Jesse Skaggs</td>
<td>Senate Office</td>
</tr>
<tr>
<td>Drew Thrash</td>
<td>Legislative Fiscal Office</td>
</tr>
</tbody>
</table>
Callie Wallace  
Cortrell Whitfield  
D’Angelo Williams  
Aldolphus Willis  
Trace Zarr  

2014  
Erin Alexander  
Thomas Austin  
Sanjanetta Barnes  
Jordan Bray  
Chardae Caine  
Monique Caldwell  
Victoria Campbell  
Michael Ciamarra  
Caleb Conner  
Kaylin Gomez  
LaResa Jackson  
Clint Justice  
Elizabeth Kolakoski  
Yin Lin  
Alex Mastin  
A.J. McCloud  
Kenyada Posey  
Amanda Smith  
Jonathan Springer  
Charlie Taylor  
Ashley Vickers  
Taylor Wade  
Korey White  
Cheyenne Young  

House Minority Office  
House of Representatives  
Senate Office  
Senate Office  
Senate Office

House of Representatives  
House of Representatives  
Senate  
House of Representatives  
Senate  
House of Representatives  
Senate  
House of Representatives  
Senate  
House of Representatives  
Senate  
House of Representatives  
House of Representatives  
House of Representatives  
House of Representatives  
Senate  
House of Representatives  
Senate  
House of Representatives  
House of Representatives