RECENT PUBLICATIONS

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 cybercrimes.

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.
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.
Alabama Competitive Bid and Public Works Laws, 2014

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.
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.
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 States’ 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.
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.
**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.
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 responsibilities 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.
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.
**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.
Handbook for Alabama County Commissioners, 11th Ed., 2012

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.
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