Protect the Separation of Powers

Taking a look at Act 2011-6778

On June 14, 2011, Governor Bentley signed Act 2011-6778 significantly changing the procedure by which attorneys representing indigent citizens are reimbursed. Along with substantive and procedural changes, the Criminal Procedure Defense of Indigents Act created the Office of Indigent Defense Services. Before its enactment attorneys representing indigents billed $60.00 per hour for in-court and $40.00 per hour for out-of-court time. The new billing rate for appointed counsel is $70.00 per hour for time reasonably expended for in-court and out-of-court services on criminal and juvenile proceedings. The increase in billing rates was accompanied by a new rule eliminating reimbursement for overhead expenses. Other major changes include modified procedures mandating pre-approval of certain expenses. These expenses must be approved by the Court, the newly created Office of Indigent Defense Services and/or the Director.

Attorneys representing indigents may or may not have issues with the new reimbursement and pre-approval process. However, all attorneys should be concerned with the provisions of the new law that place the administration of justice under the direction of the Department of Finance. The Department of Finance is under direct supervision of the executive branch or the Governor’s office. Thus, decisions that should be made based on Constitutional guarantees could now be based on politics. Justice in this state and in this Country must be administered fairly, justly and in accordance with the rights guaranteed to all citizens. The inclusion of political opinion and/or ideology into the administration of criminal justice is a slippery slope and we, as attorneys, should take note and attempt to protect the judicial system that is supposed to protect all citizens and more importantly, treat all citizens equally.

A copy of the Act is available at http://comptroller.alabama.gov/pages/indigent_defense.aspx. As members of the bar, we have a responsibility to our profession to protect the legal justice system. I spoke to a member of MCBA who was actively involved in this process who stated the Act could have been much worse. We all owe him and others a heartfelt thank you for taking action. Our country owes much of its success and prosperity to the separation of powers between the three branches of government. Any policies that threaten this important safeguard should be met with extreme scrutiny.

(Editor’s Note: Application forms for Court Appointed Capital Offense Defense Attorneys are available in the Law Library at the Phelps-Price Judicial Center Montgomery County Courthouse.)

Kendall Dunson
2011 MCBA President
It has been an eventful summer for the MCBA Young Lawyers Section. In addition to hosting several socials, the YLS was able to take in a Braves game and raise money for a great local charity. On June 16, YLS members traveled by chartered bus to Atlanta to watch the Braves play the New York Mets. As in years past, it was a great time, and we look forward to making the trip to Atlanta again next summer.

On July 22, the YLS held its 10th Annual Charity Golf Tournament benefitting Brantwood Children’s Home. Since 1917, Brantwood Children’s Home has been providing a safe, stable, and structured environment for abused, neglected, or otherwise at-risk children in Montgomery. Thank you to all of our sponsors and donors (see page 3), the players, and especially tournament chairman, Kyle Weidman, for helping to make this year’s tournament a success. Through everyone’s efforts, the YLS will be making a $3,000 donation to Brantwood.

Congratulations to the Vance Law Firm Team for winning this year’s tournament. Pictured above right, from right to left: Rob Davis, Jacob Fuller, Kyle Weidman, and Jeremy Walker.

MCBA Member News

MCBA welcomes three new members:

G. Baron Coleman—Hubbard Coleman, P.C.

Michelle Perez—Michelle Perez, Attorney at Law

Mary Carolyn Pike—Mary Carolyn Pike, Attorney at Law

Super Lawyers 2011 magazine recognized Julian McPhillips, Columbia Law School graduate (1971), as one of the Best Lawyers in America for Employment and Labor law. The Best Lawyers’ annual peer review directory recognizes those attorneys who excel in the legal profession based on the evaluation of colleagues and other legal professionals.

Victoria Relf is pleased to announce that Tamika R. Miller, former law clerk to the Hon. Charles Price, has become a full partner at Law Office, LLC as of August 1, 2011. She will be working in the areas of bankruptcy, workers compensation, civil and business litigation, criminal and civil appeals, and probate. Ms. Miller is also head of the mediation division of the Relf Law Office.

Save this date!

MCBA Holiday Gala and Toys for Tots

December 15th
10th Annual MCBA YLS
CHARITY GOLF TOURNAMENT SPONSORS

Supreme Level Sponsors
Beasley Allen Law Firm
Balch & Bingham

Circuit Level Sponsors
The Vance Law Firm
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Wilson, Price, Barranco, Blankenship & Billingsley
Rushton, Stakely, Johnston & Garrett

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Forge Consulting
Freedom Court Reporting
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The Shoppes at EastChase
DiscoverEPartners

Small Claims Level Sponsors
Capell & Howard
MCBA 2011
BENCH AND BAR CONFERENCE
& GOLF TOURNAMENT
October 14 at the Marriott Hotel and Conference Center
At Capitol Hill, Prattville

8:00—11:30 A.M.
Breakfast buffet 8:00-8:30
Keynote Speaker: Luther Strange, Attorney General
Panel Discussion:
What Most Attorneys Don’t Know, But Need to Know
Lunch Buffet for Golfers 12:00                    Golf Tournament 1:00

Name__________________________________________    email _______________________
Firm/address___________________________________    phone _______________________
____ CLE & Breakfast Buffet $75     _____ Golf & Lunch $75    All Day $150 ________
Golf team of 4: ________________________________________________________________
If you do not have a foursome, you will be assigned to a team.
Mail this form with a check to MCBA, P.O. Box 72, Montgomery, AL 36101
or come by the office and pay with Visa or Master Card.
Bench and Bar Golf Tournament to Benefit Local Red Cross

This year’s Bench and Bar Golf Tournament is scheduled for October 14, with a 1:00 shotgun start on the Judges Course at the Robert Trent Jones Capitol Hill Golf Course. MCBA member, Guy Holton, is organizing the golf scramble this year. It will be an 18-hole 4person scramble, as in the past. There are some new aspects to the event this year.

This event will benefit the American Red Cross Disaster Relief Fund. To raise the money for the ARC, we are selling sponsorships for holes for $100 per hole. You or your firm will have a sign on the hole. We invite non-attorneys and corporations to sponsor holes, even political candidates. You may sponsor as many holes as you wish. The orders for sponsors signs must be made before Sept. 20 by contacting Guy Holton at gholtonattorney@gmail.com or 334-467-6958. Also, sponsors are needed for the beverage cart, breakfast buffet, and lunch buffet for the golfers, to help keep costs down.

Mulligans may be purchased for $5 each; each person may buy up to 30 mulligans (which could make for a long day). Mulligans will be sold the day of the tournament.

Don’t wait too long to register for this event. Send in the registration form (see p.4) along with a check, or you can come by the MCBA office and pay with Visa or Master Card. We are looking forward to a great day at RTJ Prattville.
CLE OPPORTUNITIES FOR YOU

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>TOPIC</th>
<th>SPEAKER</th>
<th>CREDIT</th>
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<tbody>
<tr>
<td>9/9</td>
<td>11:00-12:00</td>
<td>“Parenting Coordination: Court Appointed Role for Lawyers and Psychologists Post Divorce”</td>
<td>Dr. Karl Kirkland Clinical Psychologist</td>
<td>1.0 hr.</td>
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<td>9/16</td>
<td>11:00-12:00</td>
<td>“Cross Examination of Lay Witnesses”</td>
<td>Robert Ward (Rushton Stakely)</td>
<td>1.0 hr.</td>
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<td>10/14</td>
<td>8:30-12:00</td>
<td>Annual Bench and Bar Conference at the Marriott Hotel And Conference Center, Prattville (See insert and article for registration information)</td>
<td>Atty. Gen. Luther Strange and a panel discussion</td>
<td>3.0 hr.</td>
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<td>10/21</td>
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<td>“Product Liability”</td>
<td>Dana Taunton (Beasley Allen)</td>
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<tr>
<td>11/4</td>
<td>10:00-12:00</td>
<td>“Transitions, Adapting to Change, and Lawyer Wellness”</td>
<td>Jeanne Marie Leslie Alabama State bar</td>
<td>2 hr.</td>
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<tr>
<td>12/7</td>
<td>11:00-12:00</td>
<td>“Ethics Update”</td>
<td>Robert Lusk Asst. Gen. Counsel, ASB</td>
<td>1 hr.</td>
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</tbody>
</table>

All CLE programs will be offered FREE to our MCBA members except the Bench & Bar Conference. Programs are held in the Jury Assembly Room of the Main Courthouse, unless otherwise noted. Non-members must pay $50 per hour for CLE’s. Preregister at dotrobinson@mc-ala.org or call 265-4793.