



# THE SENTINEL

"The GBCDLA's own Official Newsletter"

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### **PRESIDENT'S COLUMN** by Amber L. Ladner, President



The organization's 2008-2009 term is proving to be a turbulent and demanding time not only for the

officers, but also for you the members of the criminal defense bar.

If you have not kept your ear to the ground and heard the rumblings from the legislature and Chief Justice Sue Bell Cobb, then you might not be aware that the old Indigent Defense Commission Bill from 2003 is alive and well. This bill raised its head back when the state comptroller's office ceased payment of attorney's overhead expenses in 2003. However, upon the election of Chief Justice Cobb, overhead was restored and the Indigent Defense Commission bill fell to the wayside. Now that the Chief Justices' Juvenile Justice bill has passed, she is focusing on reforming the indigent defense system. The Chief Justice is modifying the old Indigent Defense Commission bill (with input from member of the ACDLA Legislative Committee) and preparing to submit it to the legislature this upcoming session.

Michael Hanle, our President-Elect, has written a synopsis in this issue addressing the Indigent Defense Commission bill in an easy to read format. The proposed bill in its' entirety is on our website. When the legislature meets this year, they will be considering this bill in conjunction with the total statewide expenditures for indigent defense systems for the previous fiscal year.

In fiscal year 2007-2008, the Birmingham Division of Jefferson County billed the State of Alabama \$11,176,556.06 for criminal and family court indigent defense representation. The Birmingham Division of Jefferson County brought in \$1,908,561.60 from the Fair Trial Tax Fund. This left the State

with a total outlay to the Birmingham Division of Jefferson County in the amount of \$9,267,994.46 which was paid out of the State General Fund.

What does that mean? To the Legislature, on it face, it appears that the Birmingham Division of Jefferson County is draining the State financially and lawyers are taking advantage of the current system of indigent defense. However, if you divided the 11 million dollars spent in the Birmingham division of Jefferson County by the total number of cases billed last year in the Birmingham Division of Jefferson County (11,317), the State only spent an average of \$987.59 per case. This does not seem like an unreasonable amount of money if the person is receiving an adequate representation. The statewide average for indigent defense is \$814.51 per case.

In 2003, it was a very difficult fight to defeat the Indigent Defense Commission bill. The Alabama Criminal Defense Lawyers Association hired a lobbyist and attorneys from across the state banded together to defeat the bill. During that time the defense bar was aware of the pending bill and there was a list of attorney's individual yearly payments for indigent defense work. Again this year, as the legislative session approaches, a revised Indigent Defense Commission bill will be accompanied by a list of county expenditures and each attorney's financial breakdown for the past fiscal year.

These numbers from the fiscal year are not 100% accurate. When you review these numbers, you must realize those numbers include expert fees and

investigator fees. These fees are paid directly to the attorney and the attorney has to pay the third party once they receive their voucher. The comptroller has stated that there is no way to separate these two numbers at this time. The numbers are also be inaccurate because an attorney may submit vouchers this year for prior years work, making the attorney's overall total higher than it normally would be for the year. There is no way to account for this without breaking down the attorney's individual vouchers. Family court cases and capital murder cases can continue for years before reaching a conclusion. This will cause an attorney's fees to be higher from one year than they might have been in previous years. There are many attorneys on the attorney list with what might appear to be high fees for the year, despite there legitimate reasons for these higher fees.

No matter what the reasons for individual yearly fee variations, the bottom line is that the legislature is concerned with the amount of money spent on indigent defense and the quality of representation provided by the various systems used throughout the State. The Chief Justice and Legislators express a goal of providing adequate and affordable representation for the indigent people in this state. That is the underlying objective of the Indigent Defense Commission bill.

We will need all of our members and non-members to pull together for the upcoming legislative session. We will need attorneys to go to the capital and to personally speak to the legislators to explain to these lawmakers about indigent defense and the current system of providing those services.

Equally importance will be explaining to the legislators the need to provide our judges with a system that allows them to appoint the attorneys that they feel are competent to handle complex or difficult cases and to provide the best legal representation for indigent defendants. We have some of the best judges and attorneys in the state. We need to stick together and prepare to educate the legislature about the criminal justice system.

The officers of GBCDLA are fighting to protect the indigent people in this county facing litigation in family or criminal court. We strive every day to provide those people with the best representation possible. We also strive to protect the interest of those attorneys who represent the indigent people of Jefferson County. Most of us that accept appointments do so at a financial loss. However, we undertake this representation to protect those that need the greatest amount of help, but have the fewest resources.

On a lighter note, if you are a member, like me, who joined the organization in the last five years and you did not receive a membership certificate, please contact me. Don Colee, our lifetime board member has turned over the membership certificates. I would like for all of our members to have a certificate if you have not received one in the past to recognize your membership in the group.

This year I hope our organization will become more active in issues of importance to the criminal defense bar. We have provided a monthly CLE for

the past several years on the fourth Thursday of the month in Judge Vinson's courtroom. We plan to continue to offer our members, and the criminal defense bar as a whole, this great opportunity to gain insight into our profession and to meet our annual 12 hours of CLE obligation with the State Bar. We continue to provide this educational opportunity at a low cost for our members and non-members. We will have our annual Christmas party at Matthew's Bar and Grill on Morris Avenue in December. I encourage each of you to get involved and to be a part of our wonderful organization. Our organization is here to advocate and support those issues of importance to the criminal defense bar and to promote better representation for all individuals through our CLE offerings.

*Amber Ladner*



## **WALKING ON HALLOWED GROUND**

**by John Lentine**

Nearly eight years ago to the day I sat in front of a computer to write my goodbyes to my father in the law. I never imagined that today I would be sitting here writing my goodbyes to his son and my brother. Lawrence ("Larry") B. Sheffield, III, passed away on Wednesday September 24<sup>th</sup> at his home in Birmingham. He died as a result of a long battle with COPD following a stroke in June. Like his father before him Larry was truly a lawyer's lawyer. He was consummate professional, a true friend and a genuinely good man.

Larry hired me as a law clerk in 1985 in the firm that included his father Lawrence B. Sheffield, Jr., and his brother R. Wendell Sheffield. He immediately began to take me to court with him not just to carry his briefcase, but to sit with him during trials to watch and learn. He told me later that this was how his father taught him to be a trial lawyer and the way it should be done. Thus began my journey as a criminal defense lawyer under his guiding eye and hand. Larry was a wonderful trial teacher. As a law clerk I watched and listened. As a brand new lawyer I learned by doing a little at a time in trials, a direct examination in one trial or a cross examination in another trial cumulating into trying cases in total partnership or by myself. It was Larry who stressed humility in the courtroom win, lose or draw. He treated everyone with respect regardless of rank or position.

Larry was a skilled trial lawyer and every bit as formidable as his father was in the courtroom, but in a different way. Together Larry and his father amassed a phenomenal number of acquittals here in Birmingham and across the State. However, Larry was more surgical in his approach to a case. That's not to say Larry couldn't use emotion to his advantage whenever he chose to, lets just say he was a bit more stealth in his approach before he dropped a bomb on the prosecution's case. Once I remember Larry had two cases set for trial in which both judges made it clear that they wanted their case tried first. One judge relented to the other and on a Monday morning he struck a jury and proceeded to try an Attempted Murder case. Larry dismantled the State's case

with ease; he even brought in a door from the home where the incident occurred as demonstrative evidence to show where the bullet entered and exited, cementing the acquittal. No sooner had the jury announced the not guilty verdict, a bailiff from the other judge's courtroom was waiting at the door to escort us down to the hall to select a jury in a Robbery case with the other Judge. Larry never complained; he had prepared and was ready for both trials regardless, and by the end of the week, I walked out the Jefferson County Courthouse with him after witnessing his back to back victories.

Larry always knew how to find and emphasize a winning point. He was once defending a woman who had shot (numerous times) her husband who she said was coming to beat her with a steel tipped work boot. The husband had a history of abuse, but the State claimed during closing argument that the abuse was all fabricated and even if true that a boot really wasn't a weapon that justified he shooting him. Larry sat quietly during the argument and when his turn came to argue he was subdued in dismantling the State's case right up until the time he drove the point home about the boot being a weapon with unmistakable and unforgettable clarity. To do this story justice let me give you some history and set the scene. Trying to get new furniture in a courtroom around Jefferson County is as rare and apparently exciting as seeing Haley's comet. The courtroom in which Larry was trying the case had just received brand new counsel tables, chairs, etc. and the Judge who had been waiting for years for such an acquisition was so

elated he had informed the jury about it during voir dire! The entire courtroom had that new wood smell from the pristine mahogany tables that had just been brought into the courtroom the night before the trial began, but by Larry's closing that all was about to end. As Larry's argument about the abuse was culminating to the actual attack, he took one of the steel tipped boots from the table where the evidence was sprawled out and with his voicing rising about how lethal and brutal a weapon was he drew back and swung the point of the boot straight down into the State's table. The force of impact ripped a two inch gash into the table sending shards of wood up in the air leaving the horrible sound echoing in everyone's ears. He dropped the boot on the table, turned and asked the jury what that boot could have done to his client's skull had the deceased been able to reach her before she shot him. There wasn't a sound in the courtroom just the profound look of realization in the faces of the jurors and a dismayed look on the face of the judge. Larry was fearless. The not guilty verdict was returned in less than 20 minutes however the scarred table remained in that courtroom for years afterwards.

Larry was a loving husband and father. His soul mate was his wife Connie and his pride was his three children Katie, Diana and Larry IV. His family is his living legacy of Larry the man. All three of his children are now adults. Katie, a marketing manager for a large clothing company, Diana, a senior at the University of Alabama preparing for law school and his son Larry a firefighter at the age of 20 are all uniquely their own person, but each carry that passion for

what they do from their father. Larry also deeply cherished his brothers and their children. Larry was an avid sportsman, not just during his football and baseball playing years at Ramsey High School but into college and then into coaching youth football, baseball and softball. He touched many lives for the better in his 56 years and if he called you his friend you were his friend for life. This was true for me when I left the firm in 1996. In 2002, two years after his father passed, I rejoined the firm and Larry welcomed me back as if I never left. I had the pleasure and honor of practicing with him for the last six years and there wasn't a day that I didn't learn something from him, about the law, parenthood or just life. Even after the stroke when he was gravely ill in the hospital whenever friends visited him the first thing he would say was "How are you!" as if he were fine and all that mattered was the well being of his friends.

Larry would always remind Wendell and me that respect in our profession was earned. Larry was genuinely respected by all as was evident in the number of people from all walks of life that attended his funeral. He spent 27 years practicing law and what mattered the most to him was helping people and he did just that over his long career and in his life.

The hardest part now is Larry's empty office. Johann Wolfgang von Goethe wrote, "The ground that a good man treads is hallowed" and that is how it feels every time I walk in it. Larry's office was the focal point for everything at the firm. We all seemed to gather there at moments of the outmost

importance, for celebration or sadness or just to drink coffee and make our predictions for a Saturday's Alabama game. Some of my favorite memories as his partner, his student and his friend happened and will remain there. The real hallowed ground that Larry left is his legacy as wonderful husband, father, and brother and also as the kind of lawyer most of us only aspire to be.

*John A. Lentine*



## **GBCDLA CREATES A LIFETIME AWARD**

**by Amber Lynn Ladner**

The board has agreed and voted to present a life time award to recognize those lawyers who have exceeded their calling to provide excellent representation to their clients, to better our profession, and who have devoted a lifetime to the practice of criminal defense. We have decided to name the lifetime award after Larry Sheffield, Jr., in honor of his legacy to the legal profession. He truly was a lawyer's lawyer. I did not have the pleasure of knowing Larry Sheffield, Jr., personally. Even though, I did not know Mr. Sheffield, I do know his legacy. I have heard stories of his trials and seen articles and pictures of him in action from old newspaper clippings and I am told that he was one of the best trial lawyers in the state. His legacy lives on through his law partners and sons. I know



this legacy because I have had the privilege of working with and being mentored by three of his protégées: Larry Sheffield, III, Wendell Sheffield, and John Lentine. We created this award to honor Larry Sheffield, Jr. and to honor lawyers like him.

In creating this award, Larry Sheffield, III comes to mind. Larry Sheffield, III, passed away in September of this year and he will be truly missed by his family, friends, and colleagues. As a lawyer, I have been blessed to have been mentored by some of the best criminal defense lawyers in our state. Larry Sheffield, III was one of those fine lawyers that took me under his wing and guided me through this complex legal system. I spent many days in his law firm going over my cases, preparing for trials, and just enjoying their company. I dubbed Larry as the Godfather of the law firm: Sheffield, Sheffield, and Lentine. Wendell and John would spend weeks or even months working with me on cases and preparing me for trial and always before the trial began we would go in Larry's office and rehash everything. Larry would always put everything in perspective and calm the nerves. As trials were in progress, he would always listen to the recap from the day and offer his thoughts about what still remained to be done. Over the past four years, I have grown to know and respect him as an incredible lawyer, father, and husband. Larry always put people first and never rushed to judgment about anyone. Even in the last few months of his life, while he was sick in the hospital, he always asked how you were doing and if everything was going good in your life. Larry

Sheffield, III is a model for us all. Because of this, the board has decided to award the first life time award to Larry Sheffield, III, posthumously. The award will be given to Larry's law partners next year at the fall social and induction of new officers.

*Amber Ladner*

## **THE INDIGENT DEFENSE COMMISSION AN OVERVIEW OF THE PROPOSED LEGISLATION** **by Michael Hanle**

### **The Indigent Defense Commission**

The proposed legislation would create an Alabama Indigent Defense Commission to provide for the defense of indigent persons in criminal and juvenile proceeding in each judicial circuit of the State.

The indigent defense commission (IDC) would be an independent state agency whose sole purpose would be to oversee indigent defense services throughout the state.

The IDC would be comprised of 14 individuals having substantial experience in the defense of criminal cases or other cases subject to the legislation . One individual would be appointed with a significant financial background.

Chief Justice of the Alabama Supreme Court would nominate two members

from the judiciary. The Governor would appoint two members, The Lieutenant Governor, President Pro Tempore and Speaker of the House each would appoint one member.

The Alabama State Bar would appoint two members, one with significant experience in criminal defense and one with significant experience in juvenile justice.

The Alabama Criminal Defense Lawyers Association would appoint two members. The president of the Alabama Lawyers Association would appoint one member.

The commission would appoint the remaining two members, one of which must have a significant financial background.

All members of the commission would be entitled to vote on any matter coming before the commission. Voting by proxy would not be allowed.

The commission shall determine the methods for delivering indigent defense services in all judicial circuits and in the State appellate courts.

The commission shall establish either a court-appointed counsel system, a contract counsel system, a part-time public defender system or a full-time public defender system in each judicial circuits in the State.

The commission shall annually approve and recommend to the legislature a unified budget for all indigent defense systems in each judicial circuits in the State, including the Office of Indigent

Defense Services.

### **The Director**

The commission will appoint the Director of the Office of Indigent Defense Services based on training, experience, and other qualifications as determined by the commission who shall be responsible for providing fiscal responsibility and accountability in indigent defense representation.

The Director shall also maintain and operate indigent defense systems, whether appointed counsel, contract counsel, public defender, or appellate defender offices or some combination of the above in each judicial circuits in the State.

The director shall establish minimum experience, training, and other qualifications for appointed counsel, contract counsel, and public defenders.

The Director shall manage caseloads for appointed counsel, contract counsel, and public defenders.

Local judges would still be instrumental in the determination of indigency and partial indigency based on standards and procedures established by the director. In all cases requiring determination of indigency the defendants would be required to execute an affidavit of a substantial hardship on a form approved by the IDC.

### **The Office of Indigent Defense Services**

The office shall be created to carry out



administrative duties of the commission.

The Director and other employees shall be compensated as other state employee's and shall be entitled to insurance, retirement, leave, and other state benefits.

The office shall be responsible for implementing in each judicial circuit, the system determined and established by the commission for providing legal representation for indigent defendant and other related services.

The office shall allocate and disbursed funds appropriated for legal representation and related services in cases subject to this legislation.

The office shall prepare and submit budget recommendations for state appropriations necessary for the maintenance and operation of all state indigent defense services. The office shall request annually a sum certain necessary to be appropriated for the state general fund and the fair trial tax fund.

The office shall prove and administer processing of all claims from private counsel relative to appointments to handle indigent defense cases in those judicial circuits which employ a court appointment system.

The office shall administer the processing of all contracts for contract counsel relating to indigent defense cases in those judicial circuits which employ a contract system. The office shall administer processing of all monetary allocations requested by and for a public defender office

relating to the annual operation in those judicial circuits which employ a PD office.

### **Where the Money Comes From**

Existing legislation would be amended to provide funding for indigent defense services.

The Director would be required to submit a budget request for consideration by the State Legislature. Funding would initially come from the fair trial tax fund annually to pay the fees of counsel, court reporters, clerks, registers and other such necessary expenses of indigent defense.

The state comptroller's office would be allowed an amount not to exceed \$50,000.00 quarterly to administer this system.

Additionally, there would be appropriated annually out of the general fund and the state treasury a sum equal to the amount by which the cost of such necessary expenses of indigent defense exceeds the amount available for such purpose in the fair trial tax fund.

If a county maintains a public defender's office, the county shall pay a reasonable share cost of maintaining office.

Under the Budget Management Act, the Department of Finance would control the flow of State appropriations and would have authority to amend or modify the appropriations under certain circumstances.

### **Local Advisory Board**

There would be created, in each judicial circuit, an Indigent Defense Advisory Board.

The Local Advisory Board would be composed of five members of the judicial circuit, and shall include the Presiding Circuit Judge as the chair, a District judge, a local bar president, and two other attorneys having significant criminal defense experience to be selected by the local bar.

The Local Advisory Board shall recommend to the Director of the Office of Indigent Defense Services and the commission the system or systems to be utilized in the judicial circuit.

The five members of the Local Advisory Board shall have the right to be heard and entitled to vote on any matters coming before the commission on the delivery of indigent defense services in that judicial circuit.

Any system or systems of providing indigent defense services shall be approved by a majority of the IDC including the five members of the Local Advisory Board.

### **Indigent Defense Services - Court Appointed System**

Local judges would still be instrumental in the determination of indigency based on standards and procedures established by the director. In all cases requiring determination of indigency the defendants would be required to execute an affidavit of a substantial hardship on a form approved by the IDC.

In capital cases, the trial court, after consultation of the Office of Indigent Defense Services shall appoint at least two (2) defense counsel in each case. At least one member of the defense team shall be a member of the bar and that judicial circuit, where practicable.

Counsel appointed in cases subject to this legislation shall be entitled to receive for their services, a fee to be approved by the Office of Indigent Defense Services.

The hourly rates would be raised to \$85.00 per hour for time spent in the defense of noncapital cases and \$100.00 per hour for time spent in defense of capital cases. There would be no more overhead expense.

In cases where the original charge is a capital offense or a charge which carries a possible sentence of life without parole, there shall be no limits of the total fee paid.

In cases where the original charge is a Class A felony, a total fee shall not exceed \$4500.00.

In cases where the original charge is a Class B felony, a total fee shall not exceed \$3500.00.

In cases where the original charge is a Class C felony, a total fee shall not exceed \$2000.00.

In juvenile cases, a total fee shall not exceed \$2500.00.

In all other cases, a total fee shall not exceed \$1500.00.

Counsel would be entitled to reimbursement for any expenses reasonably incurred in the defense of his or her client, with any expenses exceeding \$300.00, to be approved in advance by the trial court.

Retrial of any case shall be considered a new case for billing purposes.

In all cases resulting in a criminal conviction or juvenile adjudication from which an appeal lies, the presiding judge court to which the appeal is taken shall have the authority to appoint counsel in the event that counsel is not appointed by the trial court.

Counsel appointed for appeal purposes shall be entitled to receive for their services a fee to be approved by the Office of Indigent Defense Services.

The hourly rates be raised to \$85.00 per hour for time spent in the defense of noncapital cases and \$100.00 per hour for time spent in defense of capital cases

The total fees to be awarded any one attorney in any appeal shall not exceed \$2500.00.

The total fee to be awarded any one attorney the appeal of a capital conviction or other cases which the defendant has been sentenced to life without possibility of parole shall not exceed \$15,000.00.

### **Indigent Defense Services - Contract System**

The commission may establish a

contract counsel system to be used in providing indigent defense services within any judicial circuit or a port thereof.

For each contract counsel chosen, he or she shall be employed pursuant to a contract established by the IDC and executed by said attorney and the IDC through the Director.

Each contract counsel shall receive compensation as set by the IDC.

In the event of a conflict, the trial judge may appoint counsel or assign other contract counsel to provide prompt and adequate representation.

### **Indigent Defense Services - Public Defender Office**

The commission may establish a public defender office to be used in providing indigent defense services within any judicial circuit or a part thereof.

The commission shall have the authority to select and appoint a public defender within said circuits, who shall be appointed for a fixed term not exceed six years.

The public defender shall, at the request and with the consent of a municipal governing body and the IDC, represent indigent defendants in a municipal court within his or her geographic jurisdiction.

The public defender shall receive a salary set by the Commission which shall not exceed the state salary paid to a district attorney in said circuit and shall

be paid in the same manner as state employees.

All salaries and expenses of the public defender shall be paid by state out of the fair trial tax fund or other funds appropriated by the legislature for such purpose in accordance with the budget established by the IDC.

In counties authorized to impose a court court for defender services, the county shall fund the defender services from revenues of said court costs and the State shall pay a reasonable share of the costs of maintaining such office as determined by the IDC.

The director, in compliance with procedures adopted by the commission, may approve expenditures for attorneys, investigators, other personnel and non-personnel expenses of the public defender.

Authorized employees of the public defender office shall be entitled to an annual and sick leave, insurance, retirement, and other state employee benefits including cost-of-living raises and bonuses authorized by the legislature for state employees.

The Office of Indigent Defense Services shall approve, in advance, the operating expenses and staff salaries and benefits for each public defender's office as part of an annual budget for said public defender's office.

Expenses shall include, but not be limited to, the salary, benefits, and expenses of all eligible employees and positions, training and education, travel, research, equipment, and supplies.

Each public defender may employ assistant public defenders, investigate a worse, and other staff, full-time or part-time, as authorized by the IDC and its' established budget.

*Michael Hanle*



## **Recent Developments at the City of Birmingham Municipal Court: by Stephen C. Wallace**

Many of us represent defendants in the myriad of municipal courts across Jefferson County. It should be well known to criminal defense lawyers practicing in these courts that most cases can easily be resolved if your client can pay a hefty fine and court costs, often in conjunction with some sort of deferred prosecution.

The Birmingham city courts were not unlike most others in this regard. After a few scowls from the prosecutor and a successful hunt for the court file, most cases are settled for a substantial financial outlay and a suspended sentence. However, the results are often quite different for poor and unrepresented defendants.

Essentially, for decades the Birmingham courts have been a revolving door that led to long stretches of incarceration, principally for non-

payment of fines and costs. Jail sentences initially suspended were later imposed for non payment, along with the financial penalty being computed to days at a rate less than required by law.

After filing a federal lawsuit against the City to address these abuses, we discovered many instances where indigent defendants' probation status was revoked for the failure to pay fines and costs. Contrary to law, the revocation proceedings would be conducted without a lawyer being appointed and without the City providing any notice or formal charges. Five or six hundred days were imposed after a less than one-minute conversation with the Court. The court file carried no indication of the reason for the revocation, what evidence was presented or the duration of the sentence.

Thereafter, in a most draconian fashion, a clerk would automatically calculate the individual's sentence by adding the court costs and fines, dividing that figure by \$15.00 per day and then adding that amount of days to the underlying sentence. Again, nothing suggested any hearings were conducted to determine whether the individual could pay these amounts which were ultimately reduced to days and added to the sentence. In fact, some court files would even identify the defendant as transient, often including for legal aid eligibility an affidavit of substantial hardship reflecting no money or assets.

Nevertheless, these persons were still required to pay thousands of dollars

to gain release. If not paid, the service of the sentence would commence.

In contrast, in many instances an individual with the ability to pay would be revoked, but soon afterwards would pay off all amounts owed, and would be immediately released without even serving the underlying revocation period. A similarly situated indigent defendant, however, would be revoked and sentenced to the underlying jail sentence and the months added for the fines and costs. Often, these sentences totaled over eight hundred or even one thousand days, far exceeding the statutory maximum for the original offense.

The parole board that was to review these sentences was defunct, as many of its members were deceased or were no longer interested in participating. Although not addressed in the lawsuit, no examples were found which indicated any effort to appeal these matters to Circuit Court. Most likely these inmates were discouraged by court personnel and informed that a bond would be required to appeal. To the contrary, bond should not be dependent on ability to pay when equal access to further judicial review is essential.

Nevertheless, at the height of these practices, the City jail was incarcerating three to four hundred inmates for not making payments as ordered. Many of these individuals were homeless, disabled, and chronically unemployed. The inequities here were premised entirely on one's ability to pay, being applied to a community with a substantial segment

of its residents living below federal poverty levels.

The secondary problem identified was that the fines and costs for these repeat offenders were never extinguished. Here the City remained vigilant in collecting fines and costs from decades past, often for offenses no more serious than driving without a valid license or insurance. More troubling, even after a term of probation had expired without any revocation proceedings being initiated within the two-year period, the City still attempted to collect these amounts by revoking probation.

We sought to address these abuses, relying upon the Fourteenth Amendment prohibiting a state from imposing a fine as a sentence and then automatically converting it into a jail term solely because the defendant is indigent and cannot forthwith pay the fine in full. Tate v. Short, 401 U.S. 395, 398 (1971). Fundamental fairness requires an inquiry into an individual's ability to pay and the reasons for nonpayment before incarceration can be imposed. Bearden v. Georgia, 461 U.S. 660, 672 (1983). If the individual is indigent and simply unable to pay the, Court is required to consider alternate measures of punishment. Bearden, 461 U.S. at 672.

Also, we frequently were confronted with the City's argument that the defendant's family should be held responsible for paying these outstanding amounts and their resources should be imputed to the defendant. There were a number of stories of poor elderly family members

paying off exorbitant amounts to gain release of a loved one. This contention is contrary to the law, as the term "indigency" is not synonymous for "destitute." A defendant may have income and assets yet still be considered "indigent" under the law. Warren v. City of Enterprise, 641 So.2d 1312, 1315 (Ala. Crim. App.1994). Further, the assets of friends and relatives should not be considered in this calculation. Warren at 1315.

After disclosing the clear pattern of these abuses, taking a number of depositions of court personnel and reviewing a number of court files, we were able to discuss possible settlement terms. The City agreed to stop this automatic practice of converting fines and costs to days and to conduct indigency hearings regarding a defendant's ability to pay. The City also agreed to appoint counsel for all proceedings where incarceration could be imposed, including probation revocation hearings.

Also, immediately after signing the agreement, a review was undertaken to determine if the presently incarcerated inmates should be released pending an indigency hearing or if some alternative sentence might suffice. As a result, a number of inmates were released. Moreover, court personnel now periodically review every instance where an incarcerated defendant has served one-third of his or her sentence. The number incarcerated has been drastically reduced even in light of the recent zero tolerance policies of the police.

Out of the roughly two hundred presently incarcerated, only nineteen or

so are presently serving sentences. The remaining inmates are awaiting adjudication, but efforts are being made to accelerate the time for their cases to be handled, and bond is much more liberally allowed. Upon having their cases heard, many are released for time served with their old probation terminated. In the past, these same persons would have remained in jail for hundreds of days.

Not only is the City making efforts to comply with the agreement and constitutional protections, it has also taken a far more reasonable approach in other ways. It has lessened the fines and days imposed for many non-violent offenses.

To ensure compliance, the Court appointed Attorney Richard Storm as monitor and to make periodic reports. This has led to a far more open and transparent court system. It should also be noted that throughout this experience, Judge Raymond Chambliss, the presiding judge, has been particularly helpful in arriving at many of these solutions. With the recent addition of Judge Andre Sparks, there should be continued improvements.

While it is easy to pile on and criticize Birmingham, this is an example where it stepped up to the plate and rightly addressed these issues. These problems were not of recent vintage, but reflected policies followed for decades. Habeas corpus petitions occasionally brought relief for individuals, but the system continued unchanged, as our criminal justice system allowed it to continue, ignoring

years of complaints. It seems obvious now that the wholesale incarceration probably cost more than the revenue it generated, but this system would not correct its course.

Also, I suspect that other local municipalities run equally afoul of these constitutional protections. In these difficult economic times, they will likely continue to be driven by the pursuit of revenue without regard to equal and fair justice.

Our court systems should not serve as an aggressive collection agency which has at its disposal the added ability to incarcerate. While most court systems see the folly of jailing people for hundreds of days, the verbalized threat of incarceration likely imposes an unfair burden on the families of the poor. Though those cities might release an indigent far sooner than Birmingham did, their refusal and failure to consider the ability to pay is nevertheless constitutionally defective.

We are all diminished by such a cynical court system that so automatically burdens the financially disadvantaged. We should carefully watch the advent of the private probation programs being added to several local city court systems. The monthly fees of perhaps \$40.00 might be dispositive of whether an individual might ever complete probation. Also, why should there be probation for someone who only owes a fine and costs? Yet, I am hopeful that by our efforts in the Birmingham case will shed light on this whole area of the law so that positive change can be

implemented throughout the area.

*Stephen C. Wallace*

## **SEX OFFENDER NOTIFICATION CHECKLIST GENERAL CONSIDERATIONS by Allen Flowers**

- As a convicted adult sex offender, you will be covered by these measures for the rest of your life. Ala. Code § 15-20-33(1975). While many of the more egregious requirements are now being challenged in Court, the history of these laws is they get worse, not better, every year.

This is particularly true as Alabama is in the process of writing new legislation to conform to the Federal mandates authorized by the Sex Offender Registration and Notification Act which will probably become effective next year.

- If your conviction involves a child as defined by Ala. Code § 15-20-21(5) (1975) (A conviction for any criminal offense in which the victim was a child under the age of 12 or any offense involving child pornography) you will not be eligible to receive incentive (good time) time and will serve out your sentence day for day. Ala. Code § 14-9-41(e) (1975)

- If your conviction involves a child as defined in § 15-20-21(5), you will not be eligible for a split sentence. Ala. Code § 15-18-8(a) (1975).

- If you are convicted of a Class A or B felony sex offense involving a child as defined in § 15-20-21(5) you will not be eligible for probation. Ala. Code § 15-18-8(b) (1975).

- Any conviction for a criminal sex offense involving a child as defined in § 15-20-21(5) prohibits parole. Ala. Code § 15-22-27(3) (1975)

- If you are convicted of a Class A felony criminal sex offense involving a child as defined in § 15-20-21(5) the court will be required to impose a minimum sentence of 20 years. Ala. Code § 13A-5-6(a)(4) (1975).

- If you are convicted of a Class B felony criminal sex offense involving a child as defined in § 15-20-21(5) the court will be required to impose a minimum sentence of 10 years. Ala. Code § 13A-5-6(a)(5) (1975).

- If you are unfortunate enough to be designated a Sexually Violent Predator as defined in Ala. Code § 15-20-25.3 (1975) or are convicted of a Class A criminal sex offense involving a child as defined in § 15-20-21(5) the court will impose a minimum of 10 years post release supervision which will include electronic monitoring which you will be required to pay for. REGISTRATION OF SEX OFFENDERS - Ala. Code § 13A-11-200 et seq.

- This is the least onerous of the two registration schemes developed by the Legislature. There is much overlap but there are a few offenses that are covered by this section and not the Community Notification Act. A plea bargain which avoids registration under



the CNA is one that should be given serious consideration. Keep in mind that implementation of SORNA may require major changes particularly with respect to posting on a national registry of sex offenders.

- This section is only applicable to adult offenders. It has no application to juveniles or youthful offenders.

- Convictions for the following crimes triggers application of this registration scheme:

- **Rape 1st** § 13A-6-61 (Class A) and **Rape 2nd** § 13A-6-62 (Class B)
- **Sodomy 1st** § 13A-6-63 (Class A) and **Sodomy 2nd** § 13A-6-64 (Class B)
- **Sexual Misconduct** § 13A-6-65 (Class A misdemeanor)
- **Indecent Exposure** § 13A-6-69 (Class A misdemeanor)
- **Promoting Prostitution 1st** § 13A-12-111 (Class B) and **Promoting Prostitution 2nd** § 13A-12-112 (Class C)
- **Obscenity** § 13A-12-131 (Bumper Sticker) (Class C misdemeanor)
- **Incest** § 13A-13-3 (Class C)
- Any attempt to commit the above.

- Upon release from legal custody, any person subject to this statute must register with the sheriff of the county of his or her legal residence within 7 days of release. Although this statute does not define “release from custody” I take it to comply with the definition contained in Ala. Code § 15-20-21 (10).

- This statute requires notification of the sheriff within 7 days of a relocation of residence. If the relocation involves changing counties, sheriffs in both counties should be notified.

- A willful failure or refusal may result in a Class C felony charge.

- Failure to register under this statute is a continuing offense so just because it takes 5 years to discover you failed to register, the State will still be able to prosecute. *State v. Goldberg*, 819 So.2d 123 (Ala. Crim. App. 2001).

- A conviction for failure to register pursuant to § 13A-11-200 will be enhanced under the habitual offender act. *Hampton v. State*, 815 So.2d 571 (Ala. Crim. App. 2001).

- Theoretically, this sex offender registration list will only be maintained by the sheriff and the department of Public Safety and available only to law enforcement. Ala. Code §§ 13A-11-201, 13A-11-212 (1975). COMMUNITY NOTIFICATION ACT - Ala. Code § 15-20-20 et seq.

- This is the most onerous of the registration schemes. Many of these restrictions will be challenged as unconstitutional and there may be some relief in the future. However, if past history is any indication, more restrictive provisions may be passed and applied retroactively as they are not “punishment”. There is nothing about this registration scheme that is fair or balanced. So far our appellate court's have avoided many of the issues that may ultimately bring relief.

- Convictions for the following crimes triggers application of this registration scheme:

- **Rape 1** § 13A-6-61 (Class A) and **Rape 2** § 13A-6-62 (Class B) (Note that the statute allows the Court to exempt

a defendant from this article if he is granted youthful offender status on the underlying crime of Rape 2nd as defined by § 13A-6-62(a)(1).

- **Sodomy 1st** § 13A-6-63 (Class A) and **Sodomy 2nd** § 13A-6-64 (Class B)
- **Sexual Torture** § 13A-6-65.1 (Class A)
- **Sexual Abuse 1st** § 13A-6-66 (Class C) and **Sexual Abuse 2nd** § 13A-6-67 (Class A misdemeanor or Class C felony)
- **Child Molestation** § 13A-6-69 (Class C)
- **Promoting Prostitution 1st** § 13A-12-111 (Class B) and **Promoting Prostitution 2nd** § 13A-12-112 (Class C)
- **Violation of Alabama Child Pornography Act** §§ 13A-12-191 (Class B), 13A-12-192 (Class C), 13A-12-196 (Class A) and 13A-12-197 (Class A).
- **Kidnapping of a minor, except by a parent 1st and 2nd** §§ 13A-6-43 (Class A) and 13A-6-44 (Class B)
- **Incest** § 13A-13-3 (Class C) (Only applicable when offender is an adult and victim is minor)
- **Child Solicitation by computer** § 13A-6-110 (Class B)
- **Transmission of obscene material to a child** § 13A-6-111 (Class B)
- Any solicitation, attempt or conspiracy to commit any of the above offenses

- Any crime committed in any state or a federal, military, Indian, or a foreign country jurisdiction which, if it had been committed in this state under current provisions of law, would constitute an offense listed above.

- Any crime committed in any jurisdiction which, irrespective of the specific description or statutory elements thereof, is in any way characterized or known as rape, sodomy, sexual assault, sexual battery,

sexual abuse, sexual torture, solicitation of a child, enticing or luring a child, child pornography, lewd and lascivious conduct, taking indecent liberties with a child or molestation of a child. Ala. Code § 15-20-21(4) (1975). You should refer to the Alabama Administrative Code § 60 X 1 21 for the procedure to follow in challenging out of state convictions.

#### WHAT YOU NEED TO KNOW, DO AND NOT DO IF YOU WANT TO GET OUT AND STAY OUT OF JAIL

- Release, in the context of these statutes, means release from a state prison, county jail, or municipal jail, or release or placement on an appeal bond, probation or parole or aftercare, or placement into any facility or treatment program that allows the offender to have unsupervised access to the public. Ala. Code § 15-20-21(10).
- Responsible agency is the person or governmental entity whose duty it is to obtain information from you before your release. They will in turn transmit your information to the police departments and sheriff's responsible for informing all your neighbors that they will soon have a sex offender living in their neighborhood.
- If you are being released from a state prison; it is the Department of Corrections
- If you are being released from a county jail; it is the sheriff.
- If you are being released from a municipal jail it is the police department.

- If you are given probation or placed on appeal bond it is the sentencing court. Ala. Code § 15-20-21(11) (1975)
- 45 days before your release you will have to declare in writing where you will reside or live and the name and address of your employer. Failure to provide this information will make you ineligible for release on probation or parole. If you have not provided this information at the expiration of your sentence, upon release, you will be remanded to the custody of the sheriff. You may then only be released on bond on the condition that you are in compliance with this section. Willful failure or refusal to comply with this provision subjects you to being charged with a Class C felony. Ala. Code § 15-20-22(a)(1) (1975).
- If a sentencing court does not impose a sentence of incarceration upon conviction, notification shall be provided within 24 hours of release. Ala. Code § 15-20-22(b) (1975).
- Prior to release you will be required to submit to the probation office or sheriff a DNA sample. A willful failure or refusal to provide this sample will subject you to being charged with a Class C felony. Ala. Code § 15-20-22 (c) (1975).
- If upon release you are not employed, you are required to report, in writing, to the sheriff your employer and his physical address by the end of the next business day after you obtain employment. Failure to do this will subject you to being charged with a

Class C. Felony. Ala. Code § 15-20-22(d) (1975).

- If you decide to transfer your residence to a different location, you will need to notify the sheriff in writing 30 days prior to relocating. If you are moving to a different county you will need to notify the sheriff in the new county also. Failure to provide this notice subject you to being charged with a class C felony. The law deems you to have established a new residence in any of the following circumstances:
  - Whenever you are domiciled for three consecutive days;
  - When you return to a domicile following your release regardless of whether you were domiciled at that location prior to your conviction;
  - Whenever you spend 10 or more aggregate days at a location during a calendar month. Ala. Code § 15-20-23 (1975).
  - If you decide to change employment you must notify the sheriff in writing at least seven days in advance of the change.
  - If you are going to a different county that sheriff should also be notified 7 days in advance. The notice should be in writing and failure to comply constitutes a Class C felony. Ala. Code § 15-20-23.1 (1975).
  - Sixty days after your release and thereafter on your birthday and again six months after each birthday you will be mailed a verification notice from the Department of Public Safety. Within 10 days of receiving this notice you must report in person to the sheriff and have your fingerprints

taken, a photograph made and verify that you are still living at your authorized residence. If you do not get the notice, it is still your responsibility to report to the sheriff within 10 days of these check point dates. Failure to do this will subject you to a class C felony. Ala. Code § 15-20-24 (1975).

- You will also need to notify the sheriff in writing if you become employed, become a student or carry on a vocation at an institution of higher learning. Further written notice should be given for any change in status. This notice should be given within 5 days of any change in status. Willful failure or refusal will subject you to a class C felony. Ala. Code § 15-20-25.2

#### WHERE YOU CANNOT LIVE OR WORK AND CANNOT DO

- You cannot live or accept employment within 2000 feet of the property on which a school or child care facility is located.
- You cannot live within 1000 feet of the property on which any of your victims, or the victim's immediate family members reside.
- You cannot live where a minor resides unless you are the parent, grandparent, or stepparent of the minor. But wait, that does not apply if your parental rights have been or are in the process of being terminated by law. Or, if you have been convicted of a sex offense in which any of your minor children, grandchildren, or stepchildren were a victim. Or, if you

have been convicted of any sex offense in which a minor was a victim and that minor was living with you at the time of the offense. Or, you have been convicted of a sex offense involving a child regardless of whether you were related to or shared a residence with the child victim.

- You cannot willfully or knowingly come within 100 feet of any former victim or make any visual or audible sexually suggestive or obscene gesture, sound, or communication at or to a former victim or member of the victim's immediate family.
- If your offense involved a child, you cannot loiter on or within 500 feet of any property on which there is a school, child care facility, playground, park, athletic field or facility, or any other business or facility having a principal purpose of caring for, educating, or entertaining minors. Loitering means to enter or remain on property while having no legitimate purpose or if you had a legitimate purpose, remaining on the property beyond the time necessary to fulfill the purpose. Before you are in violation of this, someone in authority must ask you to leave.
- If your offense involved a child, you cannot accept, maintain, or carry on any employment or vocation at or within 500 feet of a school, child care facility, playground, park, athletic field or facility, or any other business of facility having a principal purpose of caring for, educating, or entertaining minors.

- A bright spot. Once you have established your residence, changes to property within 2000 feet of your residence shall not form the basis for finding you in violation. Just don't get arrested again. When you are released, you can't go home again. And of course, any willful violation of the above will get you a Class C felony. Ala. Code § 15-20-26 (1975)

#### YOUR WELCOME TO YOUR NEW NEIGHBORHOOD

- Once the responsible agency has the information on where you plan to start your new life, if it's in Birmingham, Mobile, Huntsville or Montgomery the sheriff will notify everyone within 1000 feet of your declared residence that you are joining the neighborhood. The sheriff will also notify all schools and child care facilities within three miles of your new residence.

If you are moving to a town with a population of 5,000 or more the sheriff will notify all your neighbors within 1500 feet of your new residence. In towns with less than 5,000 residents the sheriff will send the information to everyone within 2,000 feet of you.

- This notification will be in the form of a community notification flyer and will be mailed or hand delivered. This flyer will inform your new neighbors of your name, actual living address, sex, date of birth, complete physical description, including distinguishing features such as scars, birth marks, or any identifying physical characteristics and a current photograph. It will also describe the sex offense for which you were convicted,

the age and gender of the victim, the geographic area where the offense occurred. Ala. Code § 15-20-21(3) (1975). You probably don't need to wait around for the Welcome Wagon.

- You can also expect to see yourself in the newspaper and on the internet. Ala. Code § 15-20-25 (1975)

#### WELL CAN IT GET WORSE: SEXUALLY VIOLENT PREDATOR STATUS

- Yes!
- At sentencing the lawyer from the dark side can petition the court to label you a sexually violent predator. If he/she presents clear and convincing evidence that you suffer a mental abnormality or personality disorder that makes you likely to engage in predatory criminal sex activity the judge will adjudge you a sexually violent predator. That means if you get out of jail, you will have more nasty things said about you in the community notification flyer, you will have to report quarterly and be subject to electronic monitoring for a minimum of ten years. Ala. Code § 15-20-25.3 (1975).

#### YOUR SCARLET LETTER

- The degradation just never ends. When convicted you will be required to have a drivers license or identification card issued by the Department of Public Safety which will bear some designation that will enable law enforcement officers to know that you are a sex offender. Ala. Code § 15-20-26.2

- It's enough to make you want to change your name. Sorry! Only if you get married or change religion and need another name. Ala. Code § 15-20-36 (1975).

- One thing to think about. The rules and regulations are awful. Nobody understands them. Because every violation is a Class C felony and compliance is difficult it will not be unlikely that you will face additional charges for violating the conditions of the CNA.

#### YOUTHFUL OFFENDER STATUS

ONE SHOULD BE CAUTIOUS IN EXPLAINING THESE YOUTHFUL OFFENDER PROVISIONS. IT MAY BE ANTICIPATED THAT THE DISCRETION OF JUDGES WILL BE EVISCERATED BY THE IMPLEMENTATION OF SORNA. FOR CLIENTS OVER 14 YEARS OF AGE, THERE IS THE POTENTIAL OF THESE ADJUDICATIONS BEING TREATED AS ADULT CONVICTIONS.

- If the trial court granted you youthful offender status and you do not have a previous juvenile sex offense adjudication, you will be treated as a juvenile sex offender. If you are granted youthful offender status and you have a prior sex offense adjudication as a juvenile, you will be treated as an adult criminal sex offender. Ala. Code § 15-20-31 (1975)

- Upon adjudication as a youthful offender, you will be required to receive sex offender treatment by a licensed sex offender

treatment program and submit to the probation officer or sheriff a DNA sample. Ala. Code § 15-20-27 (1975)

- The treatment provider will provide a risk assessment to the probation officer who in turn will notify all parties.

- Unless ordered by the sentencing Court, the juvenile sex offender shall not be subject to notification upon release.

- Within 30 days of receiving the risk assessment, the State may petition the Court to apply notification.

- Upon receiving a petition to apply notification, the sentencing Court will conduct a hearing on the risk of the juvenile sex offender to the community.

- If the Court determines there is a need for notification it will determine whether the risk is low, moderate or high.

- Low Notification will be made to the principal of the school where the offender will attend. The information will include the offender's name, living address, date of birth, and a statement of the criminal sex offense for which he has been adjudicated a youthful offender, including the age and gender of the victim. This information is considered confidential and any knowing misuse subjects a person to a Class A misdemeanor.

- Moderate Notification that the offender will be establishing his or her residence shall be provided to all schools and child care facilities within three miles of the declared residence. A community notification flyer shall be

made by mail or hand delivery to all schools and child care facilities and will be of file with the sheriff for public inspection. No other methods may be used to disseminate this information.

- High Notification to the public as an adult offender pursuant to Ala. Code § 15-20-25 (1975)
- The determination of risk by the sentencing court is not subject to appeal. Ala. Code § 15-20-28 (1975)

*Allen Flowers*



## **THE FINGER OF GOD** **by Amber L. Ladner**

On October 20, 2008, God reached out and touched one of our most beloved friends, court reporter Terri J. Campbell. God called her home on October 27, 2008. This has been a hard year with the loss of many friends and family members. The one question asked by everyone that loved her is, Why Terri? A dear friend told me that there is no reason, and that sometime God just reaches out and touches his finger on someone and tells them it is time to come home.

Sergeant Spears gave a touching eulogy at Terri's funeral. He described Terri as "a person with a listening ear." If you had the privilege of knowing Terri, you knew that was true. She was always there to listen to whatever you had to say, and if you asked, would always offer her advice. It didn't matter

what she was working on or doing when you came to see her, she always had time to listen and be a friend.

Sergeant Spears spoke about his last visit with Terri, the very day she was touched by the finger of God. He said that he was suffering from a bad headache and that Terri, in her usual giving way, had offered him some medicine. I smiled when he told this story because that is how she was with me and everyone else who knew her. I think Terri must have had a pharmacy in her office because she always had some kind of medicine handy for any ailment you might have. Terri had given me things for sore throats, headaches, and sinus infections, as well as tissues when I needed them. Terri touched all of our lives the same way she did Sergeant Spears'.

Terri was the life of Judge Tommy Nail's courtroom. She was friendly to everyone and always greeted everyone with her warm and inviting smile. Her sweet laugh made you want to join in with her. She had a heart as big as Mt. Everest. Terri was so thoughtful and she remembered everything about you or what you might have shared with her. She could strike up a conversation with you about your family, your hobbies, or your cases when you came to visit her.

God has taken some very special people from the criminal justice community this year. I guess God is now equipped with one of the finest lawyers, Larry Sheffield, III, and one of the finest court reporters, Terri Campbell. God is now ready for any trial situation that might arise in heaven with two of

Jefferson County's finest. We have lost two great people this year and they will never be forgotten. Our mournful loss here on earth is Heaven's joyful gain. We love and will miss you, Terri.

*Amber Ladner*



**Welcome to our Newest Members!!**

\***James Robinson**- jrobinsonlaw@jsrpc.com

\***Elizabeth Kammer**- saladora@aol.com

\* **J.D. Lloyd**- JDLLloyd10@gmail.com

**Local Grievance Committee**

Judge Pulliam announced to our organization that Jefferson County is going to be part of a pilot project involving a committee of local judges and members of the bar addressing informal complaints by attorneys regarding other attorneys. Two of our respected judges are on the committee, Judge Teresa Pulliam and Judge Laura Petro. The committee will accept anonymous grievances.

This committee is not connected to the Alabama State Bar Grievance Committees and will handle issues that might not rise to the level of a bar complaint, but still needs to be addressed. The committee will review the complaints and take appropriate action. If you have any questions about this new committee please see Judge Pulliam or Judge Petro.

**Etc.**

“The good lawyer is not the man who has an eye to every side and angle of contingency, and qualifies all his qualifications, but who throws himself on your part so heartily, that he can get you out of a scrape.” -*Ralph Waldo Emerson*

“A lawyer's primer: If you don't have the law, you argue the facts; if you don't have the facts, you argue the law; if you have neither the facts nor the law, then you argue the Constitution”-  
*Unknown*

“A jury consists of twelve persons chosen to decide who has the better lawyer.” -*Robert Frost*

“Lawyers, I suppose, were children once.”  
-*Charles Lamb*

“My decision to become a lawyer was irrevocably sealed when I realized my father hated the legal profession.”  
-*John Grisham*

“Young lawyers attend the courts, not because they have business there, but because they have no business.” -  
*Washington Irving*

“A lawyer starts life giving \$500 worth of law for \$5 and ends giving \$5 worth for \$500.” - *Benjamin H. Brewster*



## Membership Application

### Eligibility:

Any member in good standing of the State Bar of Alabama who is interested in or engaged in the defense of criminal cases is eligible for membership.

Members of the judiciary and those regularly employed in a prosecutorial office are not eligible.

Anyone regularly enrolled in law school is eligible for student membership.

### Annual Dues:

\_\_\_\_\_ Student Member: no dues

\_\_\_\_\_ General Member in Practice for Less than Three Years: \$25.00

\_\_\_\_\_ General Member: \$50.00

\_\_\_\_\_ Sustaining Member: \$100.00

\_\_\_\_\_ Special Contributor: \$250.00

Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Interested in Playing Softball?: Yes No

Please make checks payable to the Greater Birmingham Criminal Defense Lawyers Association, and mail them to Michael Hanle at 1330 21st Way South, Suite 200, Birmingham, AL 35205.

