

1. Family Law Standing Committee

Chairman: Dean Noah Funderburg
Reporter: Penny Davis

In the last two years, the Alabama Legislature has passed four bills drafted by this committee: Common Law Marriage Statute; Grandparent Visitation Act; Alimony; and Division of Retirement Benefits upon Divorce Act.

There are several subcommittees currently working on various topics. One is working on a set of parenting plans to be used by lawyers and pro se litigants. Recent trends reflect that more and more litigants are acting on their own behalf, without lawyers, in petitioning for divorce. These litigants are not well versed in the legal procedures of the courts, which slows down the system and requires more of judges' time. The parenting plans are detailed forms that force parents to consider all of the responsibilities of a custody matter after a divorce before they appear before a judge. This will have the two-fold purpose of informing the parents of what to expect regarding the various custody possibilities and helping judges make better informed decisions regarding the well-being of the children.

Another sub-committee is studying gestation and surrogacy agreements. Current Alabama law is inconsistent among jurisdictions with no uniform standard, rules, or procedures addressing the legal rights of all interested parties.

Another sub-committee is conducting a complete review of Alabama's Adoption law with the goal of modernizing certain sections and amending areas of the law that are inconsistent.

2. Standing Trust Committee

Chairmen: Brian Williams and Leonard Werthheimer
Reporter: Bob Riccio

The 2017 Alabama Legislature passed the Revised Uniform Fiduciary Access to Digital Assets Act which will provide much needed guidance to citizens and judges concerning how a fiduciary can access the digital assets, such as documents, photographs, email, and social media accounts of deceased family members.

This committee is reviewing and editing a Uniform Law Commission proposed Uniform Trust Decanting Act. Alabama does not currently have a specific statute governing trust decanting. Once this uniform act is thoroughly discussed, debated, and compared to similar acts in other states, this committee will draft a proposed bill for the legislature's consideration. The committee's next project is review Alabama's asset protection trust statutes and case law.

3. Real Estate Standby Committee

Chairman: John Plunk
Reporter: Melinda Sellers

Alabama's Condominium Act was passed in 1990 and is located in Chapter 8A of Title 35 of the Code of Alabama. During the past twenty-six years several issues have been raised needing clarification. This committee, in late 2016, finished an extensive review of the law and proposed a significantly amended version of the Alabama Uniform Condominium Act of 1991 to the Alabama Legislature in its 2017 session.

A subcommittee is currently studying issues surrounding subdivisions, subdivision plats, and planning commission overreach.

A second subcommittee is studying Alabama's tax redemption process with the goal of making it easier, less confusing and more modern.

4. Alabama Criminal Code Review

Chairman: Howard Hawk
Reporter: Bill Bowen

There has not been a comprehensive review of the Alabama Criminal Code since it became effective on January 1, 1980. This committee was formed to do just that. It has for several years undertaken a systematic review of all fourteen chapters of the Criminal Code, its current classification system, its sentencing structure, its organizational structure, and definitions used throughout various areas of the criminal system.

Chapters 1-6 are complete, and it is anticipated that Chapters 7-14 will be finalized in late 2017. At that time the entire Criminal Code (Alabama Code, 1975 Sections 13A-1-1 through 13A-14-5) revisions and amendments will be put in bill form and presented to the Alabama Legislature for consideration and passage in its 2018 session.

5. Business Entities Standing Committee

Chairman: Jim Wilson
Reporter: Scott Ludwig

In 2012, the Institute formed a standing committee on Business Entities to address issues related to the adoption and implementation of Title 10A and to discuss developing issues related to business entities as they arise. The initial concern for the committee was to review and update the Name Reservation provisions in light of new technology advances. A bill to amend the Business Entities Code on name reservations was passed by the Legislature in 2013. In the 2014 session, the legislature passed amendments relating to Mergers and Conversions

The committee drafted amendments to the Alabama Limited Liability Company Act in 2015 which passed the Alabama Legislature later that year, amendments to Alabama's Limited Partnerships Law in 2016 which passed the Alabama Legislature later that year, and amendments to the Alabama General Partnership Act in 2017 which will be offered for passage in the 2018 session of the Alabama Legislature.

This committee is currently reviewing chapter by chapter the Alabama Business Corporation Law and comparing it with the Model Business Corporation Act, 2016 with the goal of having the adoption of the Model Act, with changes, ready for the 2018 Alabama Legislative session.

6. Voidable Transactions Committee

Chairman: Bill Hairston
Reporter: Bill Hairston

This special committee was formed to review and compare the Uniform Law Commission's Uniform Voidable Transactions Act with Alabama's Fraudulent Transaction Act. The committee reviewed each chapter of the Model Act and compared it to Alabama's Act. The result was a new Alabama Uniform Voidable Transactions Act that was presented to the Alabama Legislature and passed in the 2017 Legislative session.

7. Collateral Consequences Committee

Chairman: Cam Ward
Reporter: TBD

A conviction of a felony imposes a status upon a person which not only makes him/her vulnerable to future sanction but affects their economic opportunities. Record numbers of individuals with a felony record are exiting prisons and returning to communities across the state of Alabama. These individuals must confront a wide range of collateral consequences stemming from their convictions, including ineligibility for federal welfare benefits, public housing, student loans, and employment opportunities, as well as various forms of civic exclusion, such as ineligibility for jury service and disenfranchisement which has resulted in a wide range of social, economic and political privileges being unattainable.

There are approximately 500 collateral consequences that could restrict, prevent, or impact an ex-felon as he or she attempts to re-enter society. This committee is exploring ways to locate these consequences in Alabama Statutes and Administrative Regulations and evaluate the purpose and practical effect of these restrictions. The Committee will seek to eliminate any unnecessarily prohibitive restraints on a felon's chance at a successful re-entry into society.

8. Article VI –Judicial Article-Constitutional Review

There has not been a comprehensive review of The Judicial Article since it was passed in 1973. This committee will review the Judicial Article (1973). It has formed three subcommittees to explore the challenges facing the Court system and whether systematic amendments are needed to modernize certain sections of Article VI.