

CHECK IT OUT

Lucille Stewart Beeson Law Library Newsletter
Cumberland School of Law of Samford University



No. 577

October 2019

Researching Local Legislation in Alabama

by Ed Craig,
Reference Librarian
elcraig@samford.edu

Searching for laws pertaining to local municipalities and counties is not a type of legal research routinely performed by law students. It has been described as the “caboose” of legal research in the United States, with little more than a mere mention in Law School research course work.¹ However, area attorneys visit the Law Library on a regular basis to do this very kind of work. What resources are used? What is available? This article will provide a basic introduction to the resources commonly used for research of laws pertaining to local municipalities and counties passed by the legislature as well as ordinances created by the municipalities themselves.

There is no uniform structure to local governments in the U.S.; the same can be said for

publication of local government laws and regulations. Whether they be city, county, or other local government entities, they are creatures of their state; they rely on state law for their existence and their powers are limited to what the state gives them, either through statute or the state constitution. In the case of Alabama, a constant criticism of the Alabama Constitution is that local officials have very limited authority to govern or raise tax money without prior

permission from the Legislature. As a result, particularly in the case of Alabama, laws pertaining to a particular county or municipality may be found in amendments to the state constitution, a session law of the state legislature, or in ordinances created by the city or county government itself.

Finding Local Ordinances

Most Alabama cities of significant size provide their municipal ordinances on www.municode.com. Ordinances for Alabama counties are not found there, though other states’ county ordinances are; Alabama county ordinances are so few in number (as a result of severe restrictions placed on them by the state constitution) that they

In This Issue:

Meet the Law Library’s Evening and Weekend Staff	4
Service Awards	6
Director’s Briefs	7

See *Researching* Page 2



¹Marc A. Levin, *How to Find Local Law: A California Paradigm*, 13 Legal Res. Services Q. 79. 79.

LAW LIBRARY SCHEDULE**MONDAY-THURSDAY****7:00 A.M.-12 MIDNIGHT*****FRIDAY****7:00 A.M.-10:00 P.M.*****SATURDAY****9:00 A.M.-10:00 P.M.****SUNDAY****1:00 P.M.-12 MIDNIGHT**

*** Circulation Desk
opens at 7:30 A.M.**



Reference from Page 1

are not systematically published. Zoning seems to be a topic that a number of Alabama counties do provide ordinances for. The fact that most major Alabama cities have their ordinances online provides numerous advantages. This method lends itself to easier updating, as well as providing widespread access to the citizenry. However, legal researchers must still be wary of out-of-date information regardless of the format; again, it pays to contact city hall to verify the timeliness of all sections relied upon. There are several database services that provide access to current city

codes online, with [Municode](#) being the dominant provider for Alabama municipalities (and some other states, as well):.

Bessemer (current as of December 15, 2017)

Center Point (current as of September 29, 2017)

Homewood (current as of July 9, 2019)

Hoover (current as of February 4, 2019)

Huntsville (current as of July 29, 2019)

Irondale (current as of December 29, 2017)

Mobile (current as of August 26, 2019)

Montgomery (current as of May 22, 2019)

Mountain Brook (current as of August 30, 2018)

Pelham (current as of November 6, 2018)

Pleasant Grove (current as of November 27, 2018)

Tuscaloosa (current as of August 12, 2019)

Vestavia Hills (current as of December 31, 2018)

Other database services providing city codes (but not currently for cities in Alabama) include:

www.amlegal.com/library

www.generalcode.com/webcode2.html

If none of the web addresses listed provide a code of ordinances for the city you are concerned with, you should first try to find the city government's homepage and see if there is a link to an online code there. If not, you should contact the city clerk's office, the local law library (if there is one) or a local public library in that municipality.

Finding Alabama Session Laws and Constitutional Amendments Pertaining to Local Government

Slowly, but surely, state acts and constitutional amendments which address Alabama counties and municipalities are becoming more accessible to the legal researcher. The Thomson West edition of the CODE OF ALABAMA, 1975, has listed local laws by county, alphabetically through Marion County, in Title 45. (Those counties after Marion in the alphabetization have yet to be included). This version can be valuable for several reasons; it includes annotations with West key numbers and C.J.S. citations that could lead the

researcher to more valuable topical information. It also provides “code commissioner’s notes” which often list prior superceded acts covering the same topic and locality. The Lexis edition of the Code has also begun arranging local laws by county in Title 45, but has only published in print up to Colbert County in its alphabetical listing as of the date of this article, though they include local laws through Marion County on the Lexis database service.

Alabama legislation and constitutional amendments pertaining to local governments are both indexed in [2019 LOCAL LAWS INDEX](#) for the State of Alabama by the Legislative Services Agency, Legal Division. This work is first divided by county and then subdivided within each county into three indices:

1) The first index provides local acts applicable to a county either because it is specifically named in the act or because it fits a population description stated in the act’s text.

2) The second index, “Local Laws Applying To Municipalities of [named county]”, provides a listing of local acts applicable to municipalities in that county either because they are specifically named in the act or because they fit a population

description stated in the act’s text.

3) The third index, “Constitutional Amendments,” lists such state amendments that apply to either the county as a whole or to cities within that county.

Finding Annotations for Local Laws and Ordinances

Unknown to many researchers, there is a digest service for ordinances. ORDINANCE LAW ANNOTATIONS: A COMPREHENSIVE DIGEST OF AMERICAN CASES THAT INTERPRET OR APPLY CITY AND COUNTY ORDINANCES (First Floor, Digest section) by Shepard’s/McGraw-Hill is such a resource. To use it to find case law covering a specific city’s ordinances, the researcher would go to the Table of Cases volumes at the end of the set (beginning with volume 6A) and look up the state, then the city (or county), in the alphabetized table.

Once the needed city or county has been found, individual entries will provide a case citation as well as an abbreviated subject heading and section number referring to the location where it is digested. Hopefully, these subject headings will be sufficient for the researcher to discern which decisions address the ordinance of interest, if there are any. As

always, be sure to check the pocketpart for any updates.

Citators for local laws resulting from legislative act or constitutional amendment are also available. Because Alabama local laws are in the process of being codified in title 45, it is now worth checking Code of Alabama, 1975 citations in the Shepard’s service of LEXIS and the Keycite service of Westlaw for court decisions citing to those newly-codified local laws. If you have any questions about performing research with local acts, please contact a reference librarian at Beeson Law Library.



One more issue of **CHECK IT OUT** will be published this semester. If

you have any ideas or suggestions as to ways we can improve, contact **Becky Hutto** via e-mail at rmhutto@samford.edu.

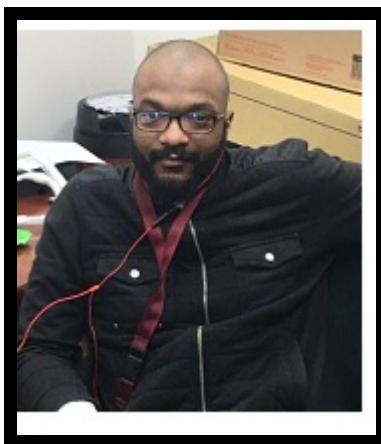
Thanksgiving hours will be posted on the kiosk outside the Law Library and on the [Law Library Hours website](#).



Meet the Law Library's Evening and Weekend Staff

Leigh A. Jones
Evening/Weekend Reference Librarian
Ljones17@samford.edu

As each regular business day and each regular business week comes to a close at the Lucille Stewart Beeson Law Library, important work is carried on by a group of dedicated employees. These staff members, who work during evening and weekend hours, make sure that resources and services are available to law students, law professors, and other members of the legal community when other buildings on campus are closed. We truly appreciate these dedicated employees:



Charlie Coleman

Charlie Coleman has served as Law Library Assistant at the Lucille Stewart Beeson Law Library since 2013. He began his career with the Law Library in 2012 as a Desk Assistant. Mr. Coleman's hometown is Vestavia Hills, Alabama. He attended the University of Alabama (Tuscaloosa), where he attained a Bachelor of Arts in History. His interests and hobbies include philosophy, history, reading, walking, and watching documentaries. When asked what he enjoys most about working at the Law Library, Mr. Coleman responds, "I enjoy interacting with the students, and ensuring that the library is a reliable and comfortable study space for them during their time in Law School."



Rebecca Hairelson

At the Beeson Law Library, Rebecca Hairelson loves to get to know the students, and she loves to see them progress through their three years of ups and downs. Ms. Hairelson has been a Law Library Assistant (part-time) since September 2016. Her hometown is Monroeville, Alabama, and she holds a Bachelor of Science in Education (English and Biology) from the University of Alabama (Tuscaloosa). Ms. Hairelson's interests and hobbies include sports (all sports), all types of music, reading (biographies are her favorite), and spending time with friends.



Barbara Macgirvin

Barbara Macgirvin's interests and hobbies include attending her grandson's school and baseball activities. Also, she likes traveling on cruises, and she loves cats. Ms. Macgirvin has been a Law Library Assistant (part-time) at the Beeson Law Library since October 2011. Her favorite part about working at the Law Library is being able to help the students find information. Ms. Macgirvin holds a Bachelor of Science in Education from Fort Hays State University (Hays, Kansas). Her hometown is Haviland, Kansas.



Vance Wesson

Vance Wesson's hometown is Florence, Alabama. He has served the Lucille Stewart Beeson Law Library as Law Library Assistant (part-time) for more than 30 years. When asked what he likes most about working for the library, Mr. Wesson says, "I love talking to the students and my co-workers." Mr. Wesson's interests and hobbies include walking, and he also enjoys finding and eating at new restaurants. Mr. Wesson is an artist who loves to draw. He holds a Master of Fine Arts (Drawing) from the University of Mississippi (Oxford) and a Bachelor of Science (Art) from the University of North Alabama (Florence).

Law Library Staff Receives Service Awards

Two Law Library employees were honored at Samford's Annual Service Awards Luncheon on October 28, 2019. Receiving recognition were:

Jann Hammel, Law Library Assistant (Cataloging) - 20 years of service
and Connie Walker, Law Library Assistant (Metadata) - 15 years of service.

Congratulations to Jann and Connie!



Director's Briefs

From Greg Laughlin

glaughlin@samford.edu

We are off to another great start of the academic year. The law librarians have been pleased by the high level of student use of the Law Library. With a few exceptions, we have also noted that the noise on the first, second, and third floors is much less than it was last year. There have been a few exceptions, however. Please remember that we have reserved the entire lower level, as well as the study rooms, for collaborative work. Please utilize those when you will be working with others. We designated the lower level for collaborative work because it is acoustically isolated from the other floors.

You may report noise disturbances by sending a text (a n o n y m o u s l y) to 205-730-5547. This number is also listed on the Law Library homepage. Reporting through this number enables anonymous reporting, and also allows more timely responses to noise complaints by the law librarians. When the Law Library enters its period of restricted access leading up to and during final examinations, the noise level will be closely monitored and

more restrictions may be imposed, if necessary. We will respond to student concerns in this regard.

You may recall that we have installed a book case in the former copy room on the lower level, where the microwave and Keurig are located. We did so because of student interest in a book exchange for recreational reading. I notice that as of now it is not being utilized. I bring it to your attention, if you are interested in starting such an exchange.

I have noted several students leaving valuables, including computers, smartphones, and purses, unattended in the Law Library. Fortunately, to my knowledge, no one has had anything stolen. I feel compelled, however, to caution against this practice. Several years ago, patrons of the Law Library.

Library did experience a rash of thefts. Years of no such incidents appear to have made some patrons overly lax about protecting their property.

The Law Library and Law School cannot be responsible if items are stolen and, while we have security cameras throughout the facility, there is no guarantee that we would be able to recover expeditiously, or even at all,

stolen valuables. In that regard, I would also recommend frequent backup of valuable work on your computers and storage of such backup either in the cloud or on physical media in a safe and secure place where it can be easily retrieved if necessary.

I will be posting in the coming weeks the schedule for restricted access as we approach finals. I had hoped that proximity card access would be in place before restricted access began. However, it is now less likely that this will be the case. As a result, students will again need to present their Samford IDs when entering the Law Library once restricted access begins. New stickers will be required this semester, and we will send out a notice when they are available at the Circulation Desk.

As we approach finals exams, we usually see an increased demand for study rooms. Please note that we now have a link on the Law Library's web site home page for checking to see which rooms are available.

Continued success in your fall semester!
