

SUPREME COURT OF ALABAMA

Lyons v. Norris

829 So. 2d 748 (Ala. 2002) · No. 1961601, 1961602, 1961603, 1961604, and 1961642 · Decided March 15, 2002

SUMMARY

The Alabama Supreme Court held that expenses incurred by court-appointed attorneys representing indigent criminal defendants must be approved by the trial court before the expenses are incurred under Alabama Code § 15-12-21(d). The court further held that the comptroller had authority to audit and deny claims lacking the required advance approval, reversed and remanded three cases, dismissed one nonfinal appeal, and affirmed denial of class certification.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Moore, Chief Justice; Houston, Justice; See, Justice; Lyons, Justice; Harwood, Justice; Woodall, Justice; Johnstone, Justice; Brown, Justice; Stuart, Justice
JURISDICTION	Alabama
DECIDED	March 15, 2002
DOCKET	1961601, 1961602, 1961603, 1961604, and 1961642
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Consolidated appeals from Montgomery Circuit Court judgments granting mandamus relief to attorneys seeking reimbursement of office-overhead expenses incurred while representing indigent criminal defendants, together with a cross-appeal from denial of class certification. One related appeal was dismissed because it arose from a nonfinal order.
STANDARD OF REVIEW	De novo review because the facts were undisputed and the issues presented were pure questions of law.
PRECEDENTIAL VALUE	Published opinion; precedential under Alabama law.
PARTIES	G. Sage Lyons, Director of Finance, Robert L. Childree, Paul D. Brown v. John Norris, Michael Crespi, Robert L. Turner, appointed attorneys representing indigent criminal defendants

TOPICS

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QUESTIONS PRESENTED

1. Whether § 15-12-21(d), Ala. Code 1975, requires trial-court approval of reimbursable expenses before the expenses are incurred.
2. Whether § 15-12-21(e), Ala. Code 1975, permits approval of expenses after trial or after submission of a fee claim.
3. Whether the comptroller may audit and disallow claims for expenses that do not satisfy the statutory approval requirements.
4. Whether the appeal in case no. 1961604 was from a final appealable order.
5. Whether the trial court properly denied class certification.

HOLDINGS

1. Section 15-12-21(d), Ala. Code 1975, requires a trial court to enter an order approving reimbursable expenses before counsel incurs those expenses; later approval before submission of a claim is insufficient.
2. The comptroller has a statutory duty to preaudit claims and determine their correctness, legality, and funding status, and may refuse to issue a warrant for a claim that is not authorized by law.
3. The appeal in case no. 1961604 was dismissed because it arose from a nonfinal order.
4. The trial court's denial of class certification was affirmed.

KEY QUOTATIONS

“Words used in [the] statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used a court is bound to interpret that language to mean exactly what it says.” (751)

“The logic for having expenses approved in advance is obvious: The Alabama Legislature and this Court—in Rule 6.4(g)—intended that both the nature and the amount of the expenditure be regulated by specific fee limitations and, in regard to expenses reasonably incurred, by the scrutiny of the trial judge.” (752)

FACTUAL BACKGROUND

State officials denied reimbursement claims submitted by attorneys appointed to represent indigent criminal defendants, reasoning that the attorneys' office-overhead expenses had not been approved in advance as required by Alabama law. The attorneys sought declaratory and mandamus relief, and one attorney also asserted

negligence and wantonness claims against the comptroller. The trial court ordered the officials to approve fee declarations containing court-approved overhead expenses and denied a proposed class certification.

PROCEDURAL HISTORY

The attorneys filed declaratory-judgment and mandamus actions against the State of Alabama's finance director and comptroller, and related claims were consolidated. The trial court issued a writ of mandamus directing approval of attorney-fee declarations containing court-approved office-overhead expenses, denied class certification, and later dismissed one related case. The Supreme Court of Alabama reversed the judgments granting relief, dismissed the appeal from the nonfinal order, and affirmed denial of class certification.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand the cases corresponding to appeal numbers 1961601, 1961602, and 1961603 for proceedings consistent with the opinion. Dismiss appeal number 1961604 and affirm denial of class certification in appeal number 1961642.

CASES CITED

- May v. State, 672 So. 2d 1307 (Ala. Crim. App. 1993)
- May v. State, 672 So. 2d 1310 (Ala. 1995)
- Ex parte Smith, 698 So. 2d 219, 224 (Ala. 1997)
- Ex parte Graham, 702 So. 2d 1215, 1221 (Ala. 1997)
- Beavers v. County of Walker, 645 So. 2d 1365, 1372 (Ala. 1994)
- IMED Corp. v. Systems Eng'g Assocs. Corp., 602 So. 2d 344, 346 (Ala. 1992)
- Wiggins v. State, 440 So. 2d 1164, 1167 (Ala. Crim. App. 1983)
- Whittle v. State, 518 So. 2d 793, 794 (Ala. Crim. App. 1987)
- Nicks v. State, 783 So. 2d 895, 921 (Ala. Crim. App. 1999)
- Fisher v. State, 587 So. 2d 1027, 1031 (Ala. Crim. App. 1991)
- Ex parte Barksdale, 680 So. 2d 1029, 1030 (Ala. Crim. App. 1996)
- Ex parte State, 662 So. 2d 1189 (Ala. 1995)
- McLeod v. State, 581 So. 2d 1144 (Ala. Crim. App. 1990)
- McGahee v. State, 554 So. 2d 454 (Ala. Crim. App.), aff'd, 554 So. 2d 473 (Ala. 1989)
- Tarver v. State, 500 So. 2d 1232 (Ala. Crim. App.), aff'd, 500 So. 2d 1256 (Ala. 1986)
- Hold v. State, 485 So. 2d 801 (Ala. Crim. App. 1986)
- Jackson v. State, 516 So. 2d 726 (Ala. Crim. App. 1985)
- McKinley v. State, 441 So. 2d 1040 (Ala. Crim. App. 1983)
- Dutton v. State, 434 So. 2d 853 (Ala. Crim. App. 1983)

- Whisenant v. State, 482 So. 2d 1225 (Ala. Crim. App. 1982)
- Bailey v. State, 421 So. 2d 1364 (Ala. Crim. App. 1982)
- Ex parte Moody, 684 So. 2d 114, 121 (Ala. 1996)
- Florida Export Tobacco Co. v. Department of Revenue, 510 So. 2d 936, 945-46 (Fla. Dist. Ct. App. 1987)
- Florida Dev. Comm'n v. Dickinson, 229 So. 2d 6, 8 (Fla. Dist. Ct. App. 1969), cert. denied, 237 So. 2d 530 (Fla. 1970)
- Bullock v. Calvert, 480 S.W.2d 367 (Tex. 1972)
- Almond v. Gilmer, 188 Va. 1, 49 S.E.2d 431 (1948)
- State ex rel. Arthur Kudner, Inc. v. Lee, 150 Fla. 35, 7 So. 2d 110 (1942)
- Slate v. State, 284 A.D.2d 767, 728 N.Y.S.2d 523 (2001)