

# The Top Legal Implication of Alabama's Immigration Law

By: Rutledge & Yaghmai

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Over the past few weeks, we have been discussing the numerous business and [legal implications](#) of Alabama's controversial immigration law. In this post, we would like to share an insightful list put together by the [Center for American Progress](#), which has also been closely monitoring the impact of the new law.

Below are what the organization terms the "Top 10 Reasons Alabama's New Immigration Law Is a Disaster for the Rule of Law":

**1. Sales contracts are unenforceable.** No one who sells something to an undocumented person can enforce the sales contract. If a person doesn't pay, the seller is out of luck. If the seller doesn't deliver the goods, the buyer is out of luck. The rule of law no longer applies in the marketplace.

**2. Attorney-client confidentiality will be a crime.** The new law makes it a crime for a lawyer to refuse to divulge information about their client to government immigration officials. These provisions eliminate attorney-client privilege, a bedrock of effective legal representation. But in a classic catch-22, lawyers who choose to follow the new law could find themselves in violation of state bar ethics rules.

**3. Every person will have to "show their papers" to do the simplest of daily tasks—even to check a book out of the library.** If you have to show proof of citizenship to do daily tasks, even to check out a library book, you will have to apply for and carry proof of your status everywhere you go. The cost of new driver's licenses, passports, or birth certificates is not a small burden for a family of five surviving on minimum wage.

**4. Labor contracts are unenforceable.** Employers can still hire undocumented people but the undocumented workers can't get a day in court if the employer refuses to pay them for their labor. Bad employers who know the rule of law no longer applies to them can exploit undocumented workers and refuse to pay them or pay them less than the agreed-upon amount.

**5. Leases are unenforceable.** A rental company in Alabama is already asking for proof of lawful status in order to renew a lease. If a landlord has rented to an undocumented person who refuses to pay rent, the landlord cannot enforce the lease in court. And if an undocumented person has paid their rent and the landlord locks them out or refuses to fix unsafe conditions, they cannot ask a court to enforce the lease.

**6. Real estate sales contracts are unenforceable.** An undocumented person selling a house would have no resource if the buyer refused to pay the agreed-upon price. And the buyer would have no resource if the seller refused to sign over the deed. Real estate agents could not enforce the payment of their sales commissions.

**7. All Alabamans will have to prove citizenship status to get government-run municipal services like water.** A sign at a public water company in Allgood, Alabama, warned customers that if they didn't have a valid ID on file at the office by September 29, 2011, they may lose water service. The

new law states that anyone who lacks legal status is considered to be committing a felony if they enter any "business transaction" with any political subdivision of the state. While Alabama Power is a nongovernmental electric company and has not required proof of citizenship, under the law undocumented immigrants won't be able to enforce the terms of a contract they enter into with the company.

**8. No one can get a license without proving citizenship status—not even a dog license.** The law requires proof of status for *any transaction* between a person and the state or municipality. No one will be able to register their mobile home or car, get a construction permit or a business license, or even a dog license without proving their legal status.

**9. Every U.S. citizen or lawful resident in Alabama will need to prove their status in order to do any business in or with the state, including paying their taxes.** As if paying taxes were not hard enough, the Alabama Department of Revenue has already issued a notice stating that anyone who needs to pay a fee or a tax will be required to prove their citizenship or lawful status.

**10. Access to the courts will require proof of legal status.** The probate courts have already issued notices that anyone doing any transaction with the courts is required to prove their status. This includes applying for a name change after divorce, applying to probate the will of a family member, or applying for involuntary commitment of a mentally ill child.

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## About Rutledge & Yaghmai

<http://rylaw.net/>

Rutledge & Yaghmai (R & Y) is a full service litigation firm that offers more than fiftyseven years of diverse legal experience. Formed in 2006, Rutledge & Yaghmai concentrates on giving each case individual attention as opposed to carrying a mass a number of cases. That way they are able to develop a lifelong relationship with clients.

### William Rutledge

William Eugene Rutledge graduated from the University of Alabama in 1960. He graduated from the University of Alabama Law School 1966. Mr. Rutledge served as a

Captain in the Judge Advocate General's Corps, U.S. Army and as Chief of Military Justice at Fort Bliss, Texas. He was trial counsel for the United States where he prosecuted several nationally publicized court marshalls. He was the recipient of the Distinguished Service Medal for his trial work in the Army.

He began the practice of law in Birmingham, AL on August 1, 1966. His early trial practice was a mixture of business litigation and railroad related litigation. He has a strong appellate practice in which he has excelled since the early 1970s and continues that practice till the present time. He has handled over 100 cases in the state appellate system and 80 cases in the federal appellate system.

He specialized through the years of his practice in business formations. He has assisted new entrepreneurs in the formation and strategy of their businesses. Also, he represents companies in business litigation. Cases have ranged from business disputes among members to representing smaller companies against the "larger corporations." Practice memberships include the Bar of the Alabama Supreme Court, the United States District Court for the Northern, Middle and Southern Districts, the United States Court of Appeals for the Eleventh Circuit, and the Supreme Court of the United States. He is married to Sherry Crittenden Rutledge and has four children and six grandchildren.

### **Greg Yaghmai**

Greg graduated with honors from The Citadel where he received his bachelor's degree in Business Administration. In 1997, he received his law degree from Cumberland School of Law.

For the first four and half of years of his legal career, Greg served as a Deputy District Attorney for the Jefferson County, Alabama District Attorney's Office. By age 26 he tried his first death penalty case. He went on to try either solo or as lead counsel seven capital murder and six murder cases. He also had the benefit of being the first lawyer in Alabama to be certified by the Alabama State Troopers as a Traffic Homicide investigator. He obtained this after attending a two-week seminar, which required him to live in a closed military base with forty other police officers. He also had the unique experience of being provided alcohol in a controlled setting so he could be utilized by the Jefferson County Sheriff's training academy in officers learning how to administer field sobriety tests. He is a member of the National College for DUI Defense (NCDD) which is a prestigious organization defending those charged with DUI.

He subsequently left the DA's office to become a partner in a forty lawyer civil litigation firm. This firm concentrated mostly on civil defense work, but Greg continued to expand his plaintiff and criminal defense practice.

In 2006, he co-founded Rutledge & Yaghmai. One of Greg's goals was to reduce the number of cases handled to allow for more individual attention to each case. Rutledge & Yaghmai maintains a general litigation practice. Greg focuses on personal injury,

business litigation, and criminal defense cases.

Greg has truly handled cases from all sides: criminal prosecution/defense and civil plaintiff/defense. Overall, Greg has tried more than seventy-five jury trials to conclusion. He has significant experience in using visual presentations and present day media applications in presenting cases to jury. His ultimate jury consultant is his wife, Brandi, who he met when she served on the jury of a rape/kidnapping case he tried.

He has recently been asked to teach Trial Techniques for the International Web based site Solo Practice University. There he will share his expertise in trying jury cases.

Greg is licensed in all state and federal courts in Alabama and the 11th Circuit