

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
415 Dexter Avenue
Montgomery, Alabama 36104

Friday, January 19, 2024

1. CALL TO ORDER

President Brannon Buck convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in the board room of the Alabama State Bar building, Montgomery, Alabama. Commissioner Angela Kennedy led the members in the Pledge of Allegiance.

2. ROLL CALL

The secretary took the roll of the Commission and the following commissioners were present:

Conrad Anderson	Pratt Austin-Trucks
Raymond Bell	Edgar Black
Mark Boardman	Sally Bowers
Jeff Bowling	Will Broome
Kitty Brown	Brannon Buck
Clay Carr	Joel Connally
Brad Cornett	Mark Debro
Lang Floyd	Jana Garner
Kirk Garrett	Lisha Graham
Leon Hampton	Josh Hayes
Fred Helmsing	Scott Holmes
Ralph Holt	Mitch Kemmer
Angela Kennedy	Lee Knowles
Edwin Lamberth	Bill Lancaster
Jorja Loftin	Felicia Long
Clay Martin	David Martin
Doug Martinson	Clint Maze
LaBella McCallum	Bob McMillan
Cliff Mendheim	Steven Nicholas
Andrew Nix	Manish Patel
Tom Perry	Bobby Poundstone
Chuck Price	John Rea

Ryan Robichaux
 Holly Sawyer
 Jeff Sherrer
 Doug Smith
 John Smyth
 John Stamps
 Jimbo Terrell
 Leila Watson
 Robin Wolfe

Steven Savarese
 Pat Sefton
 Jason Simmons
 Elizabeth Smithart
 Kyra Sparks
 Brian Strength
 Gibson Vance
 Suntrease Williams-Maynard

The following commissioners were absent:

Matthew Carter
 Chris Driver
 Richard Fikes
 Scott Foster
 Erik Heninger
 David Langston
 Leslie Moore
 Chrissy Riddle
 Tyler Sims
 Jerome Thompson

Hunter Compton
 Deborah Dunsmore
 Sam Ford
 Dana Grimes
 Carmen Howell
 Don Mansell
 Lynn Perry
 Freddy Rubio
 Andrew Stanley
 Jeff Utsey

QUORUM PRESENT

Due to inclement weather in Alabama, the following commissioners attended virtually: Edgar Black, Mark Debro, Bill Lancaster, Clay Martin, Doug Martinson, Clint Maze, and Ryan Robichaux. The commissioners each verbally noted that they would abstain from voting to eliminate the requirement of a roll call vote since a quorum was physically present for the meeting.

Staff members in attendance included: Roman Shaul, Chad Coker, Merinda Hall, Melissa Warnke, Olivia Walker, Linda Lund, Katarina Essenmacher, Autumn Caudell, Karen Laneaux, Suzi Huffaker, Stacey Moseley, Tracy Selmon, and Michelle Shaw.

3. APPROVAL OF AGENDA

President Buck asked for approval of the agenda.

COMMISSIONER PRATT AUSTIN-TRUCKS MOVED TO APPROVE THE AMENDED AGENDA MAKING THE SECURITY COMMISSION NOMINATIONS AN ACTION ITEM, SECONDED BY LEON HAMPTON, AND APPROVED BY UNANIMOUS VOICE VOTE.

COMMISSIONER KITTY BROWN MOVED TO APPROVE THE AMENDED AGENDA, SECONDED BY PRATT AUSTIN-TRUCKS, AND APPROVED BY UNANIMOUS VOICE VOTE.

4. INTRODUCTION OF GUESTS

President Buck acknowledged the presence of Associate Justice Will Sellers, Associate Justice Sarah Stewart, Associate Justice Brad Mendheim, Associate Justice Greg Cook, Supreme Court Clerk Megan Rhodebeck, Executive Director of Securities Commission Amanda Senn, and Attorney Greg Denny at the meeting.

5. APPROVAL OF MINUTES FROM OCTOBER 27, 2023, MEETING

President Buck stated the minutes of the October 27, 2023, Board Meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions, or deletions. No changes were made.

COMMISSIONER ANGELA KENNEDY MADE THE MOTION TO APPROVE MINUTES OF OCTOBER 27, 2023, BOARD MEETING, SECONDED BY ANDREW NIX, AND APPROVED BY UNANIMOUS VOICE VOTE.

6. PUBLIC REPRIMANDS

Hoover, Alabama attorney, **Bradley James Latta** was issued a public reprimand with general publication on January 19, 2024, as ordered by the Disciplinary Commission of the Alabama State Bar, for violating Rules 1.3 [Diligence] 1.4 [Communication], 1.5 [Fees], 1.15 [Safekeeping Property], 3.3 [Candor Toward the Tribunal] and 8.4 (c), (d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Latta was hired to represent a client on a protection from abuse order entered against the client after the client's ex-husband alleged the client assaulted their son. After the client paid a retainer fee of \$1,500, Latta failed to take substantive action on the client's behalf as promised and then attempted to bill for pleadings that were never filed. In addition, Latta deposited \$1,500 retainer into his trust account and immediately removed the funds prior to earning the funds.

Hoover, Alabama attorney, **Bradley James Latta** was issued a public reprimand with general publication on January 19, 2024, as ordered by the Disciplinary Commission of the Alabama State Bar, for violating Rules 1.3 [Diligence] 1.4 [Communication], 1.15 [Safekeeping Property], 8.1(a) [Bar Admission and Disciplinary Matters] and 8.4 (c), (d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Latta failed to appear for hearings in a matter on two separate occasions. On the first occasion, Latta falsely represented that he had been in a car accident which caused him to miss the hearing. On the second occasion, Latta admitted to oversleeping and missing the hearing. Latta subsequently failed to pay court ordered sanctions in a timely manner. Latta also failed to properly deposit the client's fee in trust.

A Birmingham, Alabama attorney **Daniel Houston Chambers** received a public reprimand with general publication as ordered by the Disciplinary Commission of the Alabama State Bar, on January 19, 2024 for violating Rules 3.1(a) [Meritorious Claims and Contentions], 3.3(a)(1) [Candor Toward the Tribunal], 3.4 [Fairness to Opposing Party and Counsel], 4.4(b) [Respect for Rights of Third Persons], and 8.4(c) and (g) [Misconduct], Alabama Rules of Professional Conduct. The Disciplinary Commission determined the attorney obtained privileged communications between another lawyer and her client during a divorce proceeding. While representing a client in a divorce matter, the client obtained confidential and privileged emails between his wife and her attorney. The attorney failed to notify opposing counsel he had possession of the confidential and privileged emails. Instead, the attorney used these emails to shape his client's litigation strategy and to gain an unfair advantage in the proceedings.

A Birmingham, Alabama attorney **Louis James Willie, III** received a public reprimand without general publication as ordered by the Disciplinary Commission of the Alabama State Bar, on January 19, 2024 for violating Rules 1.3 [Diligence], 1.4 [Communication], 1.15 [Safekeeping Property], 8.1(a) [Bar Admission and Disciplinary Matters] and 8.4(g) [Misconduct], *Alabama Rules of Professional Conduct*. Willie failed to keep the client informed about the status of his case and failed to place fees his trust account.

7. **PRESIDENT'S REPORT**

President Buck referenced the bar's ongoing efforts to direct its programming to address the goals of the strategic plan. He praised the success of the OutREACH tours in Brewton, Jasper and Rainsville, Alabama where the bar engaged with over 225 members. President Buck also discussed the successful Judicial Article presentation in Birmingham and spoke of the success of the Bar Leadership Summit and the accompanying Women's Section Gala celebrating their 25th anniversary. The commissioners were informed the Justice For All website would be operational in the coming weeks and that he was attempting to reboot inactive sections. President Buck also stated planning was underway for the Annual Meeting to be held June 26-29th in Destin, Florida.

8. **EXECUTIVE DIRECTOR'S REPORT**

Secretary/Executive Director Terri Lovell informed the board the database modernization project is near completion of phase one transition. She discussed the phase two transition will allow API access for the trial and appellate courts to obtain real-time member data to verify an attorney's information and status. Phase two will also consist of transferring the remaining items from our legacy system, including sections, committees, Lawyer Referral Service, and event registration, to the new system. She also shared that the OGC case management system is over 60% complete.

Lovell thanked the board for their leadership in 2023, and their renewed focus on the implementation of the strategic plan. She stated second quarter committee, task force,

and department reports have recently been submitted, and she is encouraged by the work that has been accomplished this bar year.

9. GENERAL COUNSEL'S REPORT

General Counsel Roman Shaul shared highlights from the 2023 statistics from the Office of General Counsel report. Shaul informed the board that complaints increased by almost 400 in 2023, and the screening out process percentage had declined into the 60% range. He indicated his staff had presented to over 95 CLEs over the course of the previous year.

10. DIRECTOR OF FINANCE REPORT

The ASB total revenues declined nearly 3% from last year's totals, primarily due to a lag in membership renewals caused by system delays. However, the revenue decrease will likely narrow by the end of the second quarter as the membership renewal fees are steadily being received. Spending increased nearly 10% in the first quarter, with the greatest increase in personnel costs caused by staff increases and the 3% COLA. Increases also occurred in the professional services category with costs associated with paying for audit services and court reporting costs due to increased disciplinary hearing. Credit card expenses also noticeably increased with the change in merchant providers for the new membership system. Investment balances increased by 7% over the quarter due to favorable market conditions.

MOTION MADE BY LANG FLOYD TO ACCEPT THE FINANCIAL REPORT, SECONDED BY PRATT AUSTIN-TRUCKS, AND APPROVED BY VOICE VOTE.

11. ADMISSIONS DIRECTOR REPORT

Admissions Director Karen Laneaux provided a summary of the November meeting held with the Supreme Court, Board of Bar Examiners, Law Schools and the National Conference of Bar Examiners. She indicated that the Board of Bar Examiners had met on January 9, 2024, and will have monthly meetings as they work through some of the concerns of transitioning to the NextGen Bar Exam. Laneaux also shared that she has attended additional meetings, met with surrounding states regarding their state specific components on their exams, has requested proposals to create such a program in Alabama, and is working on a cost analysis presentation to provide to the Alabama Supreme Court. Laneaux acknowledged that the Supreme Court would be the final authority as to content of the new bar exam.

12. DIRECTOR OF OPERATIONS REPORT

Director of Operations Chad Coker informed the board that the ASB staff has been working on a solution to the permanent bar card. He announced that we anticipate a resolution prior to the next BBC meeting. He also stated that over 20 bid proposals had been submitted for the Fred Gray Courtyard project.

13. EXECUTIVE COUNCIL REPORTS

Executive Council Member Josh Hayes shared the Executive Council report. He reported there have been three meetings of the Executive Council since the October 27, 2023, BBC meeting. Hayes informed the board there has been no crisis or emergency requiring an immediate decision between meetings of the BBC.

DISCUSSION ITEMS:

14. LEGAL SPECIALIZATION TASK FORCE

Attorney Greg Denny gave a report from the Legal Specialization Task Force. He provided an overview of the work that has been completed over the past two years and provided a recommended slate of Board of Specialization members for the BBC to consider at the March 8, 2024, BBC meeting.

15. ALABAMA PRIVATE INVESTIGATION BOARD APPOINTMENT

President Buck announced that the term of Scott Hawk has expired for the Alabama Private Investigation Board. This is a four-year appointment and Mr. Hawk has requested to be considered for reappointment. Nominations will remain open and may be submitted to terri.lovell@alabar.org prior to the March 8, 2024, BBC meeting.

16. ALABAMA SECURITIES COMMISSION APPOINTMENT

The term of Hope Marshall will be expiring on the Alabama Securities Commission. The Alabama State Bar is required by statute to submit three nominees to the Governor for consideration. Nominations may be submitted to terri.lovell@alabar.org on or before March 1, 2024.

ACTION ITEMS:

17. LSA BOARD OF DIRECTORS APPOINTMENT

A vacancy has been created on the Legal Services of Alabama board. Allison Skinner was nominated for the position.

MOTION TO CLOSE NOMINATION MADE BY RAYMOND BELL, SECONDED BY JANA GARNER, AND APPROVED BY UNANIMOUS VOICE VOTE

MOTION TO APPROVE ALLISON SKINNER AS THE ASB APPOINTEE TO THE LSA BOARD OF DIRECTORS MADE BY PRATT AUSTIN-TRUCKS, SECONDED BY SALLY BOWERS, AND APPROVED BY UNANIMOUS VOICE VOTE.

18. PROPOSED CHANGE TO RULE II, ALABAMA RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR

The proposed rule change will require admittees who have successfully passed the Alabama Bar Exam to complete the Alabama Online Course within 60 days of admission or be subjected to an assessment equivalent to the cost of an annual license.

MOTION TO APPROVE THE PROPOSED CHANGE TO RULE II, ALABAMA RULES GOVERNING ADMISSION MADE BY CONRAD ANDERSON, SECONDED BY SUNTREASE WILLIAMS-MAYNARD, AND APPROVED BY UNANIMOUS VOICE VOTE.

19. ALABAMA SECURITIES COMMISSION APPOINTMENT

The term of Dag Rowe has expired and he is no longer eligible to serve on the Alabama Securities Commission. The Alabama State Bar is required by statute to submit three nominees to the Governor for consideration. Nominations received included Edward Alley of Athens, Alabama, Robert Matthews of Mobile, Alabama, and Christy Kuklinski of Birmingham, Alabama.

MOTION TO CLOSE NOMINATIONS MADE BY JOHN SMYTH, SECONDED BY ELIZABETH SMITHART, AND APPROVED BY UNANIMOUS VOICE VOTE.

MOTION TO APPROVE EDWARD ALLEY, ROBERT MATTHEWS, AND CHRISTY KUKLINSKI AS NOMINEES TO THE ALABAMA SECURITIES COMMISSION TO THE GOVERNOR MADE BY SCOTT HOLMES, SECONDED BY PRATT AUSTIN-TRUCKS, AND APPROVED BY UNANIMOUS VOICE VOTE.

20. JUDICIAL INQUIRY COMMISSION APPOINTMENT

An appointment to the Judicial Inquiry Commission has been created due to the death of Billy Bedsole. The appointment is for a four-year term. Halron Turner of Chatom, Alabama, and Court of Criminal Appeals Judge Bill Thompson of Birmingham, Alabama, have been nominated for the position.

MOTION TO CLOSE NOMINATIONS MADE BY JANA GARNER, SECONDED BY MITCH KEMMER, AND APPROVED BY UNANIMOUS VOICE VOTE.

HALRON TURNED ELECTED AS THE APPOINTEE TO THE JUDICIAL INQUIRY COMMISSION.

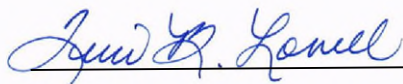
21. ADJOURNMENT

President Buck asked if there was any further business to come before the commission. There being no further business, he announced that the meeting was adjourned at 11:51 a.m.



Brannon J. Buck, President
Alabama State Bar

ATTEST:



Terri B. Lovell, Secretary
Alabama State Bar