

**MINUTES****ALABAMA STATE BAR  
BOARD OF BAR COMMISSIONERS MEETING**

**Alabama State Bar Building  
415 Dexter Avenue  
Montgomery, Alabama 36104**

**May 5, 2023, at 10:00 a.m.**

**I. CALL TO ORDER**

President Gibson Vance convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m.

**II. PLEDGE OF ALLEGIANCE**

Bar Commissioner Jeff Bowling led the Pledge of Allegiance

**III. ROLL CALL**

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

Conrad Anderson	Edgar Black
Mark Boardman	Jeff Bowling
Brannon Buck	Clay Carr
Brad Cornett	Mark Debro
Richard Fikes	Felicia Long
Kirk Garrett	Christy Graham
Leon Hampton	Josh Hayes
Scott Holmes	Carmen Howell
Edwin Lamberth	Bill Lancaster
Jorja Loftin	Felicia Long
Clay Martin	David Martin
Doug Martinson	LaBella McCallum
Bob McMillan	Andrew Nix
Tom Perry	Chuck Price
Jim Rebarchak	Ryan Robichaux
Freddy Rubio	Steven Savarese
Holly Sawyer	Pat Sefton
Jason Simmons	Elizabeth Smithart

John Smyth  
 John Stamps  
 Leila Watson

Kyra Sparks  
 Jimbo Terrell  
 Robin Wolfe

The following commissioners were absent:

Raymond Bell  
 Bob Brogden  
 Matthew Carter  
 Kira Fonteneau  
 Jana Garner  
 Dana Grimes  
 Erik Heninger  
 Mitch Kemmer  
 Leigh Anne Landis  
 Don Mansell  
 Cliff Mendheim  
 Kenneth Moore  
 Manish Patel  
 John Rea  
 Allison Skinner  
 Brian Strength  
 Mallory Whitley

Sally Bowers  
 Will Broome  
 Joel Connally  
 Scott Foster  
 Anne Glass  
 Fred Helmsing  
 Brett Holsombeck  
 Brett King  
 David Langston  
 Clint Maze  
 Tina Moon  
 Steve Nicholas  
 Bobby Poundstone  
 Chrissy Riddle  
 Andrew Stanley  
 Jeff Utsey

*QUORUM PRESENT*

Staff members in attendance were: Roman Shaul, Merinda Hall, Melissa Warnke, Linda Lund, Hilaire Armstrong, Michelle Shaw, Olivia Walker, Katarina Essenmacher, Jeremy McIntire, Autumn Caudell, Chad Coker, Suzi Huffaker, and Terri Lovell.

**IV. APPROVAL OF AGENDA**

President Vance stated that the amended agenda had been circulated prior to the meeting. He asked if there were any corrections, additions, or deletions. There were none.

COMMISSIONER MARK DEBRO MOVED TO APPROVE THE AMENDED AGENDA. THE MOTION WAS SECONDED BY COMMISSIONER BILL LANCASTER AND APPROVED BY UNANIMOUS VOICE VOTE.

**V. INTRODUCTION OF GUESTS**

President Vance recognized special guests including Associate Justice Will Sellers, Associate Justice Greg Cook, Supreme Court Clerk Megan Rhodebeck, and Past-presidents Sam Rumore and Boots Gale.

## VI. APPROVAL OF MINUTES

President Vance stated that the minutes of the March 10, 2023, Board Meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions, or deletions. Commissioner Josh Hayes stated that his name was incorrectly listed as “John” Hayes.

COMMISSIONER FELICIA LONG MOVED TO APPROVE THE CORRECTED MINUTES OF THE MARCH 10, 2023, BOARD MEETING. THE MOTION WAS SECONDED BY BILL LANCASTER AND APPROVED BY UNANIMOUS VOICE VOTE.

## VII. PUBLIC REPRIMANDS

Mobile attorney **Darryl Tyrone Blackmon** was ordered to receive a public reprimand with general publication on November 4, 2022, by the Disciplinary Commission of the Alabama State Bar, for violating Rules 1.1 [Competence], 1.3 [Diligence] and 1.4 [Communication], *Alabama Rules of Professional Conduct*. On July 2, 2021, Blackmon was retained by clients to file for custody/guardianship of their 16-year-old granddaughter. The clients paid Blackmon \$875 on July 2, 2021. The child had been residing with her grandparents since February 2020. The child has a medical condition associated with epilepsy and the grandparents needed a court order permitting them to seek and obtain medical care on her behalf as well as educational decisions. The child’s father abandoned the child with the grandparents. After Blackmon was retained, the grandparents had difficulty communicating with him. Blackmon failed to return calls, emails, text messages and his voicemail was continuously full. Blackmon failed to appear in court on September 25, 2021, and did not answer calls from the grandparents, the GAL nor the court. In court, there were no records of service on the child’s mother. Following the missed court appearance and the continued difficulty reaching Blackmon, the grandparents terminated him. The grandparents learned the case was misfiled in probate court, and they incurred additional expenses and delay of time to file in the appropriate juvenile court. The grandparents requested a refund of \$875.

Meridian, Mississippi attorney, **Joseph Anthony Denson**, who was also licensed in Alabama, was issued a public reprimand with general publication on May 5, 2023, as ordered by the Disciplinary Commission of the Alabama State Bar, for violating Rules 1.3 [Diligence], 1.4 [Communication], 1.16(d) [Declining or Terminating Representation], 8.4(g) [Misconduct], *Alabama Rules of Professional Conduct*. In 2016, Denson was retained to represent a client and his trucking company in a breach of contract. The client paid Denson \$10,000 at the outset of the representation. Denson failed to file a response to the Motion for Summary Judgment and failed to notify the client of the dismissal of his lawsuit.

## **VIII. PRESIDENT'S REPORT**

President Vance provided an update on the Drive for Five visits. He shared photos and highlights of visits to Jackson, Dekalb, Cherokee, Calhoun, Cleburne, Marshall, Escambia, Lee, Coosa, and Clay counties. A map that included all circuits was shared with the board showing how the work of the staff, bar leadership, and the local commissioners has provided the opportunity for the Alabama State Bar to visit all 41 circuits during this bar year. He announced that final visits will take place on May 12<sup>th</sup>, 16<sup>th</sup>, and 24<sup>th</sup>. He brought special attention to the work of the Jackson County Bar, Commissioner Deb Dunsmore, and Circuit Judge John Graham, by sharing about the experience of attending Drug Court and spending time with the Judge, the local lawyers and the Drug Court participants. He went on to share that we had a delicious BBQ lunch on the lawn, worked in the Hope Garden, and painted with Sonya Clemons, aka the "Artlady".

President Vance also shared photos and updates from recent activities that included Lawyers in the Classroom, the Legal Food Frenzy, and the Fred Gray Courtyard groundbreaking.

## **IX. SECRETARY / EXECUTIVE DIRECTOR'S REPORT**

Secretary/Executive Director Terri Lovell recognized the bar staff, the bar leadership, and the chairs of the bylaws and strategic planning task force for their work to steadily improve our governance and internal operations. She also thanked the justices for their guidance and support through some of the internal challenges.

Lovell shared information about the Bar Exam results that were released on April 21<sup>st</sup>. She reminded the board to stay informed and engaged on the pending changes to the bar exam. She recognized Justice Jay Mitchell for his guidance as Court liaison to the Alabama State Bar and acknowledged his attendance along with Karen Laneaux, Dan Johnson, and Dave Boyd at the National Conference for Bar Examiners.

Lovell reported that she now provides the Supreme Court with a monthly memorandum prior to their monthly general conference. She stated that it generated an opportunity to receive valuable feedback on issues of concern to the Court. She updated the board on continued work with the Court and other agencies on financial changes. Lovell indicated the staff is working on an annual report to be released with several other informational factsheets closer to the annual meeting

She thanked various staff for help with elections, the Legal Food Frenzy, Lawyers in the Classroom, the Hall of Fame ceremony, and the membership database implementation. She thanked all the commissioners for helping with the Drive for Five local bar visits, and Gibson for his vision, adaptability, and endurance during the course of the bar year.

Lovell closed by sharing that new board training materials and an updated version of the President and Leaders manual will be provided at the new commissioner orientation. She reminded the board that all staff evaluations and performance evaluations for the General Counsel and for Executive Director will be completed prior to the annual meeting. She encouraged the commissioners to let her know areas that need additional attention and areas where they feel they could serve most effectively and efficiently.

#### **X. OFFICE OF GENERAL COUNSEL REPORT**

The OGC explained the need and effect of the changes to the Client Security Fund rules that was listed as an action item. The Office of General Counsel updated the Board with regards to the two letters received from Supreme Court Liaison Justice Jay Mitchell. Those letters requested advance notice of Disciplinary Commission and Disciplinary Board recommendations and discussed the need for additional information related to the impact of the proposed advertising rule changes on solo and small firm practitioners. The OGC further updated the Board on preliminary discussions with the Secretary of State's office regarding a proposal to encourage more attorneys to become poll workers.

#### **XI. FINANCIAL REPORT**

For the 2<sup>nd</sup> quarter of the fiscal year, ASB revenues remained ahead of last year's revenues by nearly 1%. The revenue increase was prevalent in the license and special membership fee lines; however, slowed by the intermittent decreases seen in bar exam and pro hac vice revenues for the year.

ASB spending increased by 9% over the previous year, as mainly anticipated by rising personnel costs this year with the latest cost-of-living adjustment and staff additions. Travel has resumed to pre-pandemic levels with conducting the in-person BBC meetings and active staff travel. Supplies and materials also increased over the year due to printing, credit card fees, and conference registration fees associated with travel. There was, however, a sizable decrease in professional services costs due to procurement delays and less paid legal fees year-to-date.

ASB investment balances increased in total by 7.6% over the fiscal year as the market began to stabilize but have yet to recoup the total market losses experienced over the past year.

#### **XII. EXECUTIVE COUNCIL REPORT**

Commissioner Mark Debro reported on the membership database implementation progress and shared an overview of activities in the IT department.

#### **XIII. LEGISLATIVE SESSION UPDATE**

Legislative Counsel Suzi Huffaker informed the Board that there are 18 days left in the session. She reminded the board of the Alabama State Bar's weekly legislation tracking

system. She provided information regarding the new judicial position legislation, the guardian ad litem compensation legislation, and local court costs bills.

**XIV. ANNUAL LICENSE FEE RENEWAL**

President Vance informed the Board that the Annual License Fee renewal will be an action item at the July meeting. He noted that financial projections should support the continued temporary reduced license rate of \$300 for occupational license and \$150 for special membership during FY 2024.

**XV. ABA HOUSE OF DELEGATE APPOINTMENT**

President Vance informed the Board that the term of Leslie Barineau is expiring on the ABA House of Delegates. He reported to the Board that Mrs. Barineau has expressed an interest to continue serving. The appointment will move to an action item at the next meeting of the board.

**XVI. PROPOSED STRATEGIC PLAN**

Commissioner Tom Perry, Co-chair of the Long-Range Strategic Planning Task Force, informed the Board that the Strategic Plan and a task force report was provided in the meeting materials. Mr. Perry thanked the members of the task force, and shared insights from the work that had been completed. Following an opportunity for discussion, Commissioner Perry concluded by recommending that the board adopt the plan at the July meeting.

**XVII. BYLAWS TASK FORCE**

Commissioner Pat Sefton, Co-Chair of the Bylaws Task Force, advised the Board that the Bylaws and a task force report was circulated in the meeting materials and in a separate email prior to the meeting. Following an opportunity for discussion, Commissioner Sefton recommended that the Bylaws be approved at the July meeting.

**ACTION ITEMS:**

**XVIII. AT-LARGE COMMISSIONER RECOMMENDATIONS – PLACE 6 AND PLACE 9**

President Vance stated that a list of all applicants for at-large commissioner seats had been included in the meeting materials. He informed the Board that an at-large commissioner must be chosen for At-Large, Place 6 and Place 9.

President Vance on behalf of the Executive Council recommended John Stamps for a third term as At-Large Commissioner, Place 9.

COMMISSIONER TOM PERRY MOVED TO APPROVE JOHN STAMPS AS AT - LARGE COMMISSIONER PLACE 9. THE MOTION WAS SECONDED BY MARK DEBRO AND APPROVED BY UNANIMOUS VOICE VOTE.

COMMISSIONER HOLLY SAWYER MOVED TO CLOSE NOMINATIONS FOR AT-LARGE COMMISSIONER, PLACE 6. THE MOTION WAS SECONDED BY COMMISSIONER CHUCK PRICE.

AFTER DISCUSSION OF EACH NOMINEE, THE BOARD VOTED ON EACH NOMINEE AND PRESIDENT VANCE ANNOUNCED THAT LISHA GRAHAM WAS ELECTED AS AT-LARGE COMMISSIONER, PLACE 6.

**XIX. APPOINTMENT OF 28<sup>TH</sup> JUDICIAL CIRCUIT, PLACE 3, BALDWIN COUNTY VACANT COMMISSION SEAT**

The Baldwin County Bar nominates Lynn Perry to the 28<sup>th</sup> Circuit, Place 3 bar commissioner position.

A MOTION TO NOMINATE LYNN PERRY TO FILL 28<sup>TH</sup> CIRCUIT, PLACE 3 BAR COMMISSIONER WAS MADE BY COMMISSIONER LANG FLOYD AND SECONDED BY COMMISSIONER STEVEN SAVARESE AND APPROVED UNANIMOUSLY BY VOICE VOTE.

**XX. APPOINTMENT OF 18<sup>TH</sup> JUDICIAL CIRCUIT, PLACE 3, SHELBY COUNTY VACANT COMMISSION SEAT**

The Shelby County Bar nominates Doug Smith to the 18<sup>th</sup> Circuit, Place 3 vacant bar commissioner position.

A MOTION TO NOMINATE DOUG SMITH TO FILL 18<sup>TH</sup> CIRCUIT, PLACE 3 COMMISSIONER SEAT WAS MADE BY COMMISSIONER CLAY CARR AND SECONDED BY COMMISSIONER MARK BOARDMAN (STEPPING DOWN AS PARLIAMENTARIAN FOR THE NOMINATION) AND APPROVED UNANIMOUSLY BY VOICE VOTE.

**XXI. APPOINTMENT OF 36<sup>TH</sup> JUDICIAL CIRCUIT, LAWRENCE COUNTY VACANT COMMISSION SEAT**

The Lawrence County Bar nominates Jerome Thompson to fill the 40<sup>th</sup> Circuit vacant bar commissioner position.

A MOTION TO NOMINATE JEROME THOMPSON FOR THE 40<sup>TH</sup> CIRCUIT BAR COMMISSION SEAT WAS MADE BY COMMISSIONER CHRISTY GRAHAM AND SECONDED BY COMMISSIONER JEFF BOWLING AND APPROVED UNANIMOUSLY BY VOICE VOTE.

**XXII. APPROVAL OF AWARDS**

President Vance informed the Board that the following awards have been submitted for approval.

Tony McLain Award  
 Bill Scruggs Award  
 Judicial Award of Merit  
 Maud McLure Kelly Award  
 Susan Bevill Livingston Award  
 Jeanne Marie Leslie Award

Maebeth Porter and Cole Portis  
 Halron Turner  
 Judge Eddie Hardaway, Jr.  
 Celia Collins  
 Leslie Barineau  
 Liz Young and Hugh Nickson, Jr.

COMMISSIONER MARK DEBRO MOVED TO APPROVE THE AWARDS AS RECOMMENDED AND SECONDED BY JEFF BOWLING AND UNANIMOUSLY APPROVED.

**XXIII. PROPOSED CLIENT SECURITY FUND RULES CHANGES.**

General Counsel Roman Shaul reminded the Board that a proposal was made at the last meeting to amend Rule 9 of the Client Security Fund Rules to increase the amounts payable.

COMMISSIONER JEFF BOWLING MOVED TO APPROVE THE AMENDMENT TO RULE 9 OF THE CLIENT SECURITY FUND TO INCREASE THE AMOUNTS PAYABLE. COMMISSIONER BILL LANCASTER SECONDED THE MOTION. COMMISSIONER BOB BROGDEN ABSTAINED FROM THE VOTE. THE AMENDMENT WAS APPROVED BY VOICE VOTE.

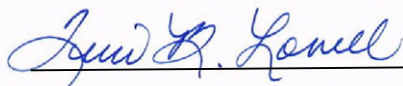
**XXIV. ADJOURNMENT**

President Vance asked if there was any further business to come before the commission. There being no further business to come before the Board, President Vance announced the meeting adjourned at 11:13 a.m.



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 Gibson Vance  
 Alabama State Bar  
 President, 2022-2023

ATTEST:



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 Terri B. Lovell, Secretary  
 Alabama State Bar