

**MINUTES****ALABAMA STATE BAR  
BOARD OF BAR COMMISSIONERS MEETING****State Bar Building  
415 Dexter Avenue  
Montgomery, Alabama 36104****Friday, May 3, 2024****CALL TO ORDER**

President Brannon Buck convened this meeting of the Alabama State Bar Board of Commissioners at 9:30 a.m. in the board room of the Alabama State Bar building, Montgomery, Alabama. Commissioner John Stamps led the members in the Pledge of Allegiance.

**ROLL CALL**

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

Conrad Anderson	Leon Hampton	Andrew Nix
Pratt Austin-Trucks	Josh Hayes	Manish Patel
Raymond Bell	Fred Helmsing	Chuck Price
Edgar Black	Scott Holmes	John Rea
Mark Boardman	Ralph Holt	Ryan Robichaux
Sally Bowers	Carmen Howell	Freddy Rubio
Jeff Bowling	Mitch Kemmer	Steven Savarese
Will Broome	Angela Kennedy	Pat Sefton
Brannon Buck	Lee Knowles	Jeff Sherrer
Clay Carr	Edwin Lamberth	Tyler Sims
Matthew Carter	Bill Lancaster	Jason Simmons
Hunter Compton	Felicia Long	John Smyth
Mark Debro	Don Mansell	John Stamps
Chris Driver	Clay Martin	Jimbo Terrell
Richard Fikes	David Martin	Jerome Thompson
Lang Floyd	Doug Martinson	Jeff Utsey
Scott Foster	LaBella McCallum	Leila Watson
Kirk Garrett	Bob McMillan	Suntrease
Dana Grimes	Cliff Mendheim	Williams-Maynard

The following commissioners were absent:

Kitty Brown	Jorja Loftin	Doug Smith
Joel Connally	Clint Maze	Elizabeth Smithart
Brad Cornett	Leslie Moore	Kyra Sparks
Deborah Dunsmore	Steven Nicholas	Andrew Stanley
Sam Ford	Lynn Perry	Brian Strength
Jana Garner	Tom Perry	Gibson Vance
Lisha Graham	Bobby Poundstone	Robin Wolfe
Erik Heninger	Chrissy Riddle	
David Langston	Holly Sawyer	

### **QUORUM PRESENT**

Staff members in attendance included: Roman Shaul, Chad Coker, Merinda Hall, Melissa Warnke, Linda Lund, Hilaire Armstrong, and Jeremy McIntire.

### **APPROVAL OF AGENDA**

President Buck asked for approval of the amended agenda.

COMMISSIONER STEVEN SAVARESE MOVED TO APPROVE THE AGENDA SECONDED BY SUNTREASE WILLIAMS-MAYNARD, AND APPROVED BY UNANIMOUS VOICE VOTE.

### **INTRODUCTION OF GUESTS**

President Buck acknowledged the presence of Associate Justice Sarah Stewart, Associate Justice Will Sellers, Association Justice Greg Cook, Supreme Court Clerk Megan Rhodebeck, Executive Director of Center of Dispute Resolution Eileen Harris, ASB Past President Sam Rumore, and ASB Past President Boots Gale.

### **APPROVAL OF MINUTES FROM MARCH 8, 2024, BOARD MEETING**

President Buck stated the minutes of the March 8, 2024, Board Meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions, or deletions. Correction made to Commissioner Suintrease Williams-Maynard's name were made.

COMMISSIONER EDGAR BLACK MADE THE MOTION TO APPROVE THE CORRECTED MINUTES OF THE MARCH 8, 2024, BOARD MEETING, SECONDED BY DON MANSELL, AND APPROVED BY UNANIMOUS VOICE VOTE.

## **PUBLIC REPRIMANDS**

Mobile, Alabama attorney **Michael Bruce Smith**, upon completion of a two (2) year probationary period, was issued a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar on May 3, 2024, for violating Rules 1.4 [Communication], 1.15(a) [Safekeeping Property], 1.16(d) [Declining or Terminating Representation], and 8.4(g) [Misconduct], Alabama Rules of Professional Conduct. The order of Disciplinary Commission was based on a complaint filed with the Office of General Counsel wherein, after investigation, it was determined that Smith accepted unearned fees from a client prior to his transfer to Disability Inactive Status. As a result of the transfer, he was unable to perform the work for which he was paid. After his transfer, he failed to timely return the unearned fees. Smith also admitted to over drafting his trust account.

Birmingham, Alabama attorney **Louis James Willie, III** was ordered to receive a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar, on February 20, 2024, for violating Rules 1.3 [Diligence], 1.4 [Communication], 1.15 [Safekeeping Property], 1.16 [Declining and Terminating Representation], and 8.4(d) and (g) [Misconduct], Alabama Rules of Professional Conduct. Willie failed to keep the client informed about the status of his case and failed to competently and diligently handle a matter entrusted to him. Willie also failed to make a timely refund of unearned fees in the matter.

## **PRESIDENT'S REPORT**

President Brannon Buck started the meeting by recognizing the passing of Bob Prince, law partner to Executive Council and Bar Commission Member Josh Hayes. President Buck highlighted the recent Law Day activities along with the lawyers that filled over 250 classrooms as part of the Lawyers in the Classroom Program. He reminded the Board of the Annual Meeting registration and the importance of their attendance at the Board Meeting on June 26, 2024. He shared his participation in recent speaking engagements at Jones School of Law graduation, Cumberland School of Law, UA Law School, Houston County Bar, and St. Clair County Bar. Buck also invited the members to attend the upcoming River Region OutREACH on May 14<sup>th</sup>. Buck recognized the Class 18 Leadership Class on their recent graduation and success. He shared changes to The Alabama Lawyer and recognized outgoing editor Greg Ward for his six years of service as editor, and announced that Wilson Green would be the incoming editor. Buck thanked Bar Commissioner Conrad Anderson for his hard work as Assistant Editor to assist during the transition. He announced Karen Laneaux, President-Elect Tom Perry, and President-Elect nominee Fred Helmsing, along with Bar Examiners and Justice Jay Mitchell were at the National Conference of Bar Examiners to learn more about the proposed changes to help guide our Board of Examiners, Bar Commission, and ultimately the Supreme Court in their decision related to the administration of the bar exam. President Buck shared information related to the Alabama State Bar Health Plan and then closed by sharing that annual reviews would be conducted by the Strategic Planning Committee, Personnel Committee, Finance

Committee, and of the Executive Director and General Counsel through annual performance appraisals. He invited the Board to attend the Alabama Lawyers Hall of Fame Ceremony immediately following the meeting.

### **EXECUTIVE DIRECTOR'S REPORT**

Secretary/Executive Director Terri Lovell shared the recent bar exam statistics. Lovell announced that Shannon Knight had been named interim director of the Alabama Lawyers Assistance Program. She informed the members that all open seats in the upcoming elections have been filled with two contested elections, 10<sup>th</sup> Circuit, Place 2, and 15<sup>th</sup> Circuit, Place 6. Lovell also informed the Board of the processing of distribution of 19,482 bar cards to the bar members. She ended by highlighting the ABA Bar Leadership Institute Conference attended by President-Elect Tom Perry and the President-Elects of the Birmingham and Mobile Bars.

### **GENERAL COUNSEL'S REPORT**

General Counsel Roman Shaul informed the Board on the OGC database modernization. He also indicated that the Lawyer Advertising survey should be completed in time to provide a report to the Court in June.

### **DIRECTOR OF FINANCE REPORT**

Second Quarter revenues marginally led over last year's revenue totals. The main causes of the delayed revenue growth rate this year included a decline in license fee renewals, the late billings of PHV annual renewal certifications, and MCLE pre-approved sponsorships fees. However, bar exam, reciprocity, and bank interest revenues continued to show steady increases, helping to negate a portion of the revenue declines. Spending increased by 6% over the previous year due to the combined effects of rising personnel costs with the recent COLA, professional services with the timing of audit fee payments, and supplies with increasing credit card expenses. Travel costs declined with the Mid-Year Meeting not being held this year. Postage costs also declined with less mailing of bar membership cards and *The Alabama Lawyer* magazine.

Given the current expectations of reporting a consecutive surplus at year-end, the Board was recommended to continue the \$300 dues rate into the next fiscal year of 2025.

MOTION MADE BY MARK DEBRO, SECONDED BY JOHN SMYTH, AND APPROVED BY UNANIMOUS VOTE.

### **LEGISLATIVE COUNSEL REPORT**

Bar Commissioner Lang Floyd provided an overview of recent activity from the Legislative Session on behalf of Legislative Counsel Suzi Huffaker. He informed the Board there are three working days left in the session. He gave an update on several bills including tort reform, gambling, ethics, local court costs, indigent defense, and interim judges.

## **EXECUTIVE COUNCIL REPORTS**

Executive Council member Felicia Long gave a report on activities of the Executive Council since the last board meeting. She informed the Board that the Executive Council had met twice since March 8, 2024, and had reviewed pending legislation, worked on the President's initiatives, considered awards nominations, and at-large commission recommendations. She concluded by providing a demonstration of the newly created Justice4AL website providing an access to justice gateway for the public.

### ***DISCUSSION ITEMS:***

#### **ANNUAL LICENSE FEE RENEWAL**

President Brannon Buck recommended on behalf of the Finance and Audit Committee and the Executive Committee to continue license fees at the reduced rate of \$300 for active license and \$150 for special membership for FY 2025.

#### **YOUNG LAWYERS SECTION BYLAWS AMENDMENTS**

YLS President Chris Driver appeared on behalf of the Young Lawyers Section and discussed the proposed amendments to the Young Lawyers Section bylaws.

#### **ALABAMA RULES GOVERNING ADMISSION RULE CHANGES**

General Counsel Roman Shaul reported on behalf of Admissions Director Karen Laneaux for the Board of Bar Examiners, the recommended amendments to Rule II and Rule VI(B).

#### **DISCIPLINARY BOARD APPOINTMENT**

General Counsel Roman Shaul informed the Board of a vacancy to be created upon the expiration of LaBella McCallum's term in July 2024. Nominations should be emailed to the Executive Director.

#### **DISCIPLINARY BOARD HEARING OFFICER APPOINTMENTS**

General Counsel Roman Shaul informed the Board of the first terms concluding for Rebekah McKinney, Jim Rebarchak, and David Martin in June 2024. He stated that all three are seeking reappointment.

#### **DISCIPLINARY BOARD - 1 LAY MEMBER, DISCIPLINARY BOARD ALTERNATE APPOINTMENTS – 5 LAY MEMBERS**

General Counsel Roman Shaul informed the Board of the openings for 1 lay member and 5 lay member alternates to the Disciplinary Board. He stated that nominations should be sent to the Executive Director.

## **DISCIPLINARY COMMISSION APPOINTMENTS**

General Counsel Roman Shaul informed the Board of the expiration of the first term of Manish Patel and Clay Martin to the Disciplinary Commission. He stated that both are seeking reappointment by the Board. He further stated that the position filled by Tom Perry will be vacant when he becomes ASB President. A nomination was received from the floor for Hunter Compton.

## **CLIENT SECURITY FUND APPOINTMENTS**

General Counsel Roman Shaul reported that the term of Jim Ward is expiring on the Client Security Fund. Nominations should be sent to the Executive Director.

## **BOARD OF BAR EXAMINERS APPOINTMENT**

President Brannon Buck reported the recommended slate of members to serve on the Board of Bar Examiners would be an action item on the June 26, 2024, agenda. The members will be recommended by the Executive Council.

## **CHARACTER & FITNESS COMMITTEE APPOINTMENT**

President Brannon Buck reported the recommended slate of members to serve on the Character and Fitness Committee would be an action item on the June 26, 2024, agenda. The members will be recommended by the Executive Council.

## **ALABAMA LAWYERS ASSISTANCE FOUNDATION APPOINTMENT**

President Brannon Buck reported there will be a vacancy on the Alabama Lawyers Assistance Foundation Board when Jason Simmons term expires in June 2024. A nomination was received from the floor for Pratt Austin-Trucks to replace Jason Simmons on the ALAF Board.

## **ALABAMA LAW FOUNDATION BOARD APPOINTMENTS**

President Brannon Buck reported there will be appointments to the Alabama Law Foundation Board. He further stated nominations will be recommended by ALF and also received from the BBC. Nominations should be sent to the Executive Director.

## **ABA HOUSE OF DELEGATES APPOINTMENTS**

President Brannon Buck reported the Alabama State Bar has five delegate positions and vacancy for three of those positions will occur following the ABA meeting in August 2024. The positions are currently filled by Rich Raleigh, Robert Gaal, and Michael Vercher. There is no compensation or travel reimbursement for these positions. Rich Raleigh and Robert Gaal have requested reappointment. Michael Vercher has declined to be reappointed. Nominations may be sent to the Executive Director. A nomination was received from the floor for John Stamps.

Brannon Buck reminded the Board that nominations for the above positions should be sent to Executive Director Terri Lovell at [terri.lovell@alabar.org](mailto:terri.lovell@alabar.org).

***ACTION ITEMS:*****COURT OF JUDICIARY ALTERNATE APPOINTMENT**

A vacancy was created by Halron Turner's resignation following his appointment to the Judicial Inquiry Commission. Terri Tompkins and David Huddleston were nominated for the position.

CALL FOR A VOTE. TERRI TOMPKINS WAS SELECTED AS THE ALTERNATE APPOINTEE TO THE COURT OF JUDICIARY.

**AT-LARGE COMMISSIONER ELECTIONS**

MOTION TO APPROVE THE RECOMMENDATION OF THE FOLLOWING FOR AT-LARGE COMMISSIONERS MADE BY MARK DEBRO, SECONDED BY STEVEN SAVARESE, AND APPROVED BY UNANIMOUS VOTE.

Place 1: Angela Kennedy  
Place 3: Holly Sawyer  
Place 4: Chuck Price  
Place 7: Leila Watson

**CLIENT SECURITY FUND FIVE-YEAR REPORT**

MOTION TO ACCEPT THE CLIENT SECURITY FUND COMMITTEE FIVE-YEAR REPORT MADE BY CLAY MARTIN, SECONDED BY JEROME THOMPSON, AND APPROVED BY UNANIMOUS VOTE

**APPROVAL OF ASB AWARDS**

MOTION TO ACCEPT THE RECOMMENDATION OF AWARDS MADE BY PAT SEFTON, SECONDED BY MARK DEBRO AND APPROVED BY UNANIMOUS VOTE

Bill Scruggs Service to the Bar Award: Sam Crosby  
Tony McClain Professionalism Award: John D. Watson  
Judicial Award of Merit: Circuit Judge John Graham

**APPROVAL OF WOMEN'S SECTION AWARDS**

MOTION TO ACCEPT THE RECOMMENDATION FROM THE WOMEN'S SECTION OF THE AWARDS NOMINEES MADE BY EDGAR BLACK, SECONDED BY MARK DEBRO, AND APPROVED BY UNANIMOUS VOTE

Maud McLure Kelly Award: Judge Inge Prytz Johnson  
Susan B. Livingston Award: Kimberly B. Martin

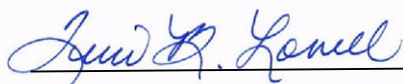
**ADJOURNMENT**

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 11:16 a.m.



Brannon J. Buck, President  
Alabama State Bar

ATTEST:



Terri B. Lovell, Secretary  
Alabama State Bar