

MINUTES**ALABAMA STATE BAR
BOARD OF BAR COMMISSIONERS MEETING****Alabama State Bar Building
415 Dexter Avenue
Montgomery, Alabama 36104****Friday, March 10, 2023****CALL TO ORDER**

President Gibson Vance convened this meeting of the Alabama State Bar Board of Commissioners at 10:02 a.m. in the Boardroom of the Alabama State Bar Building, 415 Dexter Avenue, Montgomery, Alabama, 36104.

PLEDGE OF ALLEGIANCE

Bar Commissioner Leon Hampton led the Pledge of Allegiance.

ROLL CALL

The Secretary took the roll of the Board and the following commissioners were present:

Conrad Anderson	Raymond Bell
Edgar Black	Mark Boardman
Sally Bowers	Jeff Bowling
Brannon Buck	Clay Carr
Joel Connally	Bard Cornett
Mark Debro	Richard Fikes
Lang Floyd	Kirk Garrett
Leon Hampton	Fred Helmsing
Scott Holmes	Brett Holsombeck
Carmen Howell	Mitch Kemmer
Edwin Lamberth	Bill Lancaster
Jorja Loftin	Felicia Long
Don Mansell	David Martin
Clay Martin	Doug Martinson
Bob McMillan	Kenneth Moore
Steve Nicholas	Andrew Nix
Tom Perry	Bobby Poundstone
Chuck Price	John Rea
Jim Rebarchak	Freddy Rubio
Steve Savarese	Pat Sefton

Jason Simmons
 Elizabeth Smithart
 John Stamps
 Jeff Utsey
 Robin Wolfe

Allison Skinner
 John Smyth
 Brian Strength
 Leila Watson

The following commissioners were absent:

Bob Brogden
 Matthew Carter
 Kira Fonteneau
 Jana Garner
 Christy Graham
 Josh Hayes
 Angela Kennedy
 Leigh Anne Landis
 Clint Maze
 Cliff Mendheim
 Manish Patel
 Ryan Robichaux
 Kyra Sparks
 Jimbo Terrell

Will Broome
 Deborah Dunsmore
 Scott Foster
 Anne Glass
 Dana Grimes
 Erik Heninger
 Brett King
 David Langston
 LaBella McCallum
 Tina Moon
 Chrissy Riddle
 Holly Sawyer
 Andrew Stanley
 Mallory Whitley

QUORUM PRESENT.

Also in attendance were President Elect Brannon Buck, and Young Lawyers President and Executive Council Member Brett Holsombeck. Staff Members in attendance were: Roman Shaul, Autumn Caudell, Stacy Moseley, Tara Shuffitt, Merinda Hall, Linda Lund, Hilaire Armstrong, Jeremy Rakes, Karen Laneaux, Melissa Warnke, Olivia Walker, Michelle Shaw, and Chad Coker.

APPROVAL OF AGENDA

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

COMMISSIONER JOEL CONNALLY MOVED TO APPROVE THE AGENDA AS PRESENTED. THE MOTION WAS SECONDED BY COMMISSIONER FELICIA LONG AND APPROVED BY UNANIMOUS VOICE VOTE.

INTRODUCTION OF GUESTS

President Vance recognized special guests including Associate Justice Will Sellers, Associate Justice Sarah Stewart, Associate Justice and Court Liaison Jay Mitchell, Associate Justice Greg Cook, Supreme Court Clerk Megan Rhodebeck, and Attorney Jordan Jenkins.

APPROVAL OF MINUTES

President Vance stated that the minutes of the January 20, 2023, Board Meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions, or deletions. There were none.

COMMISSIONER ALLISON SKINNER MOVED TO APPROVE THE MINUTES OF THE JANUARY 20, 2023, BOARD MEETING. THE MOTION WAS SECONDED BY FELICIA LONG AND APPROVED BY UNANIMOUS VOICE VOTE.

PUBLIC REPRIMANDS

On March 10, 2023, **Alyse Fowler** received a Public Reprimand with General Publication in ASB No. 2022-324. On November 8, 2022, Fowler pled guilty to a Class A Misdemeanor charge of Providing False Information to Register to Vote in violation of Alabama Code § 17-17-46. Fowler's conduct violated Rule 8.4(b), (c), and (g), Ala. R. Prof. C., by engaging in dishonest conduct that adversely reflected on her fitness to practice law.

On March 10, 2023, **Jimmy Lee Revis** received a Public Reprimand without General Publication in ASB No. 2021-893. In 2020, Revis undertook representation of his niece and her family on immigration matters. Shortly before their visitor visas expired, Revis filed paperwork seeking legal residence in the United States. However, the applications were rejected. In the interim, the visas expired after Revis failed to file for an extension of the visas. As a result, Revis's clients were now deemed to be in the United States illegally, impairing their ability to seek legal residence in the United States. Revis failed to diligently and competently represent his clients in violation of Rules 1.1 and 1.3, Ala. R. Prof. C. In addition, at the time of the representation, Revis held a special membership license. A special membership license does not allow a lawyer to engage in the private practice of law. As such, Revis engaged in the Unauthorized Practice of Law in violation of Rules 5.5, and 8.4(d) and (g), Alabama Rules of Professional Conduct.

On March 10, 2023, **Jon Davidson Levin** received a Public Reprimand with General Publication in ASB No. 2021-143 for violating Rules 1.2(c) [Scope of Representation], 1.4 [Communication], 1.7(b) [Conflict of Interest: General Rule], and 2.2 [Intermediary], Ala. R. Prof. C. Beginning in 2013, Levin began representing multiple business entities comprising a multinational enterprise engaged in government contracting to the US Government in support of its Middle East operations. The entities had overlapping ownership and leadership. In September 2016, the clients received notice that the primary US-based client had received a CENTCOM-wide Base Debarment, requiring ejection from a U.S. military base in Afghanistan within ten days absent a solution satisfactory to the US Government. Subsequently, Levin was advised by the clients' corporate representatives that the deadline was shortened to seven days. The clients also informed Levin that the base debarment threatened catastrophic loss to the business enterprise. Levin presented the clients with several options regarding how to remedy this situation. The clients elected, three days before the deadline, to have one affiliated corporation acquire the assets of its base-debarred affiliate. This decision resulted in Levin having a conflict of interest in handling the transaction but without adequate time to involve outside counsel. Levin explained to the clients that their role in the transaction would be limited to preparing documents to accomplish the clients' collective

decision and objectives and that Levin could not be involved in negotiating the economic terms of the transaction between the clients. Levin proceeded with preparing the transaction documents with the understanding that his clients agreed to the limited scope of representation. Nevertheless, Levin did not fully explain the benefits, limitations, and risks of the joint representation as required by Rules 1.7(b) and 2.2 and did not obtain the clients' written acknowledgement of the limited scope representation as required by Rule 1.2. Further, Levin did not communicate with all of the corporate representatives of the client entities on an equal basis as required by Rules 1.4 and 2.2.

On March 10, 2023, **John Andrew Watson** received a Public Reprimand with General Publication in ASB No. 2021-143 for violating Rules 1.2(c) [Scope of Representation], 1.4 [Communication], 1.7(b) [Conflict of Interest: General Rule], and 2.2 [Intermediary], Ala. R. Prof. C. Beginning in 2013, Watson began representing multiple business entities comprising a multinational enterprise engaged in government contracting to the US Government in support of its Middle East operations. The entities had overlapping ownership and leadership. In September 2016, the clients received notice that the primary US-based client had received a CENTCOM-wide Base Debarment, requiring ejection from a U.S. military base in Afghanistan within ten days absent a solution satisfactory to the US Government. Subsequently, Watson was advised by the clients' corporate representatives that the deadline was shortened to seven days. The clients also informed Watson that the base debarment threatened catastrophic loss to the business enterprise. Watson presented the clients with several options regarding how to remedy this situation. The clients elected, three days before the deadline, to have one affiliated corporation acquire the assets of its base-debarred affiliate. This decision resulted in Watson having a conflict of interest in handling the transaction but without adequate time to involve outside counsel. Watson explained to the clients that their role in the transaction would be limited to preparing documents to accomplish the clients' collective decision and objectives and that Watson could not be involved in negotiating the economic terms of the transaction between the clients. Watson proceeded with preparing the transaction documents with the understanding that his clients agreed to the limited scope of representation. Nevertheless, Watson did not fully explain the benefits, limitations, and risks of the joint representation as required by Rules 1.7(b) and 2.2 and did not obtain the clients' written acknowledgement of the limited scope representation as required by Rule 1.2. Further, Watson did not communicate with all of the corporate representatives of the client entities on an equal basis as required by Rules 1.4 and 2.2.

PRESIDENT'S REPORT

President Vance informed the board of the Drive for Five visits since the last Board Meeting that have taken us to Baldwin, Blount, Cullman, Etowah, and Shelby counties. He announced that visits are scheduled for St. Clair, Geneva, Dale, and Escambia, and that the remaining circuits will be concluded in April and May. Photos from recent visits were shared with the Commissioners as well as photos from the Leadership Forum reception and service project that had occurred that week. President Vance reported that 33 lawyers, judges, and law students have utilized the confidential counseling program. He further reported that the ALAP numbers continue to rise and hopefully that it is a correlation to the initiative and wellness programs offered by the ASB.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Terri Lovell opened her report by announcing that the theme for the Annual Meeting would be *Driving Change*, to highlight a great year under the leadership of President Vance to build on the strong foundation that our Bar has created. She highlighted bar activities to include the February Bar Exam, CLE compliance, the move to paperless communications, database conversion progress, Law Day, Lawyers in the Classroom, Legal Food Frenzy, and the Fred Gray Courtyard, and the Hall of Fame Ceremony. She informed the Board that a report will be provided to the Court mid-March outlining our compliance and finance plan in response to the ADEPA audit and a series of Governor's Executive Orders. She concluded by announcing the Commissioner election deadlines for both at-large and circuit open seats.

GENERAL COUNSEL'S REPORT

The General Counsel deferred his time to the Client Security Fund Rule Change later in the meeting.

NEXTGEN REPORT

Admissions Director Karen Laneaux shared that the NextGen Bar Exam will be implemented in July 2026 and if followed in Alabama would begin in July 2027. She stated that she would keep the Board fully informed of the recommendations from the National Conference of Bar Examiners. She also advised the Board that she will invite the Bar Examiners to attend the Annual Meeting and that presentations and discussions will be offered to prepare the Law Schools, Board, Court, and Examiners for any changes that may be forthcoming and require their consideration.

DISCUSSION ITEMS:

LEGAL FOOD FRENZY

Jordan Jenkins, chair of the Legal Food Frenzy, addressed the Board about the kickoff of the annual Legal Food Frenzy. She announced that the task force had set a goal of \$100,000 and that they are confident we will reach it, challenging all lawyers to give the equivalent of one billable hour to feed the food insecure across Alabama. She reminded the Board that all donations made through the Legal Food Frenzy go to the local food banks in Alabama and would fill a specific need this year to feed school children during the summer break. The competition runs for two weeks beginning April 17. She said Alabama attorneys will be encouraged to register by law firm so that donations can be tracked. She reminded the Board that each dollar donated can provide five meals for hungry families in Alabama.

EXECUTIVE COUNCIL REPORT

Brett Holsombeck reported on the Volunteer Lawyer Program's response to the recent tornadoes and the status of funding for the VLP program. He asked for guidance from the Board on any opportunities for non-traditional funding for access to justice programs. He also shared information about the Free Legal Answers program that will give many more lawyers the opportunity to provide pro bono from their home or office. He thanked the Board for their service

and their commitment to serving Alabamians through our pro bono efforts.

REPORT OF THE BYLAWS TASK FORCE

Pat Sefton, Co-chair of the Bylaws Task Force announced that the members are concluding their work and that a recommended bylaws draft will be circulated for the May 2023 Board Meeting. He stated that although a previous task force had been formed in the 1970's to take on the same task and submitted a lengthy report that was ultimately not adopted, the task force is confident that the report will be consistent with our statutory authority and memorialize the decision making authority of the Board and delegated authority of the Executive Council with little change, however, providing more accountability.

LEGISLATIVE REPORT

Suzi Huffaker reported that the 2023 Regular Session began earlier in the week with the Governor announcing that the Legislature would immediately go into a Special Session to address ARPA funds. She announced that the ASB would once again provide weekly tracking of bills and that currently 174 have been filed. She indicated that the updated ALISON website will make tracking bills and their changes more user friendly. Suzi encouraged the commissioners to reach out to her if they hear of any local court costs bills.

PROPOSED CLIENT SECURITY FUND RULES CHANGE

Roman Shaul reported on the recommended changes to the Alabama State Bar Client Security Fund Rules that would include an amendment to Rule 9 to increase the amounts payable.

ACTION ITEMS:

THE ALABAMA LAWYER POLICY

President Vance announced that the Executive Council and the Alabama Lawyer Editorial Board have agreed upon and recommend policies that were distributed to the Board prior to the meetings.

COMMISSIONER EDWIN LAMBERTH MOVED THAT THE POLICIES BE AMENDED AS AGREED UPON AND ADOPTED BY THE BOARD. JOHN SMYTH SECONDED THE MOTION AND THE AMENDED POLICIES WERE APPROVED UNANIMOUSLY.

JUDICIAL INQUIRY COMMISSION APPOINTMENTS

President Vance reported the terms of Billy Bedsole and Maibeth Porter to the Judicial Inquiry Commission will expire this year. Mr. Bedsole and Ms. Porter have asked to be reappointed to serve another 4-year term. No nominations were received from the floor.

COMMISSIONER FRED HELMSING MOVED TO CLOSE NOMINATIONS FOR THE JUDICIAL INQUIRY COMMISSION. THE MOTION WAS SECONDED AND PASSED UNANIMOUSLY.

COMMISSIONER PAT SEFTON MOVED TO APPROVE THE APPOINTMENT OF BILLY BEDSOLE AND MAIBETH PORTER TO THE JUDICIAL INQUIRY COMMISSION. THE MOTION WAS SECONDED BY MARK DEBRO AND UNANIMOUSLY APPROVED.

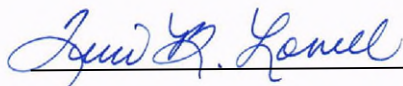
ADJOURNMENT

President Vance asked if there was any further business to come before the Board. There being no further business to come before the Board, President Vance announced the meeting adjourned at 11:07 a.m.



Gibson Vance
Alabama State Bar
President, 2022-2023

ATTEST:



Terri B. Lovell, Secretary
Alabama State Bar