

MINUTES**ALABAMA STATE BAR
BOARD OF BAR COMMISSIONERS MEETING****State Bar Building
415 Dexter Avenue
Montgomery, Alabama 36104****Friday, March 8, 2024****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 Jana Garner led the members in the Pledge of Allegiance.

ROLL CALL

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

Pratt Austin-Trucks	Fred Helmsing	Bobby Poundstone
Raymond Bell	Scott Holmes	Chuck Price
Edgar Black	Ralph Holt	Ryan Robichaux
Mark Boardman	Carmen Howell	Steven Savarese
Jeff Bowling	Angela Kennedy	Holly Sawyer
Will Broome	Lee Knowles	Pat Sefton
Kitty Brown	David Langston	Jeff Sherrer
Brannon Buck	Jorja Loftin	Doug Smith
Clay Carr	Felicia Long	Elizabeth Smithart
Hunter Compton	Don Mansell	John Smyth
Joel Connally	Clay Martin	John Stamps
Mark Debro	David Martin	Brian Strength
Richard Fikes	Doug Martinson	Jerome Thompson
Lang Floyd	LaBella McCallum	Leila Watson
Jana Garner	Bob McMillan	Suntrease
Lisha Graham	Steven Nicholas	Williams-Maynard
Dana Grimes	Manish Patel	Robin Wolfe
Leon Hampton	Lynn Perry	
Josh Hayes	Tom Perry	

The following commissioners were absent:

Conrad Anderson	Erik Heninger	Freddy Rubio
Sally Bowers	Mitch Kemmer	Tyler Sims
Matthew Carter	Edwin Lamberth	Jason Simmons
Brad Cornett	Bill Lancaster	Kyra Sparks
Chris Driver	Clint Maze	Andrew Stanley
Deborah Dunsmore	Cliff Mendheim	Jimbo Terrell
Sam Ford	Leslie Moore	Jeff Utsey
Scott Foster	Andrew Nix	Gibson Vance
Kirk Garrett	John Rea	
	Chrissy Riddle	

QUORUM PRESENT

Staff members in attendance included: Roman Shaul, Chad Coker, Merinda Hall, Melissa Warnke, Linda Lund, Hilaire Armstrong, Autumn Caudell, Karen Laneaux, and Suzi Huffaker

APPROVAL OF AGENDA

President Buck asked for approval of the agenda.

COMMISSIONER JOSH HAYES MOVED TO APPROVE THE AGENDA SECONDED BY SCOTT HOLMES, AND APPROVED BY UNANIMOUS VOICE VOTE.

INTRODUCTION OF GUESTS

President Buck acknowledged the presence of Associate Justice Sarah Stewart, Supreme Court Clerk Megan Rhodebeck, Executive Director of Center of Dispute Resolution Eileen Harris, Morgan County Circuit Judge Charles Elliott, and the Leadership Forum Class 18.

APPROVAL OF MINUTES FROM JANUARY 19, 2024, BOARD MEETING

President Buck stated the minutes of the January 19, 2024, 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 PRATT AUSTIN-TRUCKS MADE THE MOTION TO APPROVE MINUTES OF THE JANUARY 19, 2024, BOARD MEETING, SECONDED BY MARK DEBRO, AND APPROVED BY UNANIMOUS VOICE VOTE.

PUBLIC REPRIMANDS

Birmingham, Alabama attorney Willie Florence, Sr., received a public reprimand with general publication as ordered by the Disciplinary Commission of the Alabama State Bar on March 8, 2024, for violating Rules 1.4(a) and (b) [Communication] and 1.5 [Fees],

Alabama Rules of Professional Conduct. Florence failed to provide the client a copy of the employment agreement, failed to properly invoice the client, and failed to provide the client with copies of pleadings and periodic updates about the status of the case. In addition, the fee agreement contained inconsistent and contradictory financial terms.

PRESIDENT'S REPORT

President Brannon Buck informed the Board of the Bar's ongoing efforts to direct its programming to address the goals of the strategic plan. He shared about the recent OutREACH visit to Demopolis and thanked President-elect Tom Perry and the local commissioners for their efforts to make the visit a successful event. President Buck provided an update on the Justice for All Task Force and thanked Vice-President Felicia Long and Executive Council member Josh Hayes for chairing the task force and for their efforts to create the Justice4AL.com website. He shared pictures from the Alabama Lawyers Association Hall of Fame Dinner and recognized Sam Ford (ex-officio member of the Executive Council) for his service as president of ALA this year. Buck stated that he, Chad Coker, and Past-President Rich Raleigh recently attended the Southern Conference of Bar Presidents meeting in Louisville, Kentucky, where they had the opportunity to discuss bar trends and regulatory issues. He announced plans related to the Annual Meeting at Sandestin Hilton to be held June 26-29, and encouraged the members to review sponsorship opportunities that were recently provided to them by email.

EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director Terri Lovell announced that the February bar exam had no irregularities and then thanked Karen Laneaux for her efforts to improve the process each administration. She shared that the cost for providing permanent bar cards to the membership had been approved by the Finance & Audit Committee and distribution should be completed in the near future. Lovell reminded the Board of the following deadlines: bar awards, March 15th; At-Large Commission nomination, April 1st; and Circuit Commissioner seats, April 26th. She announced plans to host a 50-year member luncheon in lieu of asking the honorees to attend the annual meeting. She explained that only 29 of the nearly 450 eligible recipients had attended in the past three years. Lovell thanked the Board for their patience as she and Chad Coker take over the Board communications. She announced the upcoming ALAP conference at Ross Bridge Hotel on April 5th, and the River Region OutREACH set for May 14th in Montgomery.

GENERAL COUNSEL'S REPORT

General Counsel Roman Shaul informed the Board of the Supreme Court Order approving a change to the Client Security Fund Rules to increase caps from \$75,000 for an individual and \$200,000 collectively to \$100,000 individual and \$270,000 collectively. He shared that the Lawyer Advertising survey should be completed by the annual meeting. Shaul informed the Board the new case management system would launch the week of March 18th due to a busy trial schedule the upcoming week. He previewed the board lay person appointment later in the board agenda. Finally, he announced that Laurie Blazer, long-

time Client Security Fund Coordinator, had announced her retirement effective August 2024.

DIRECTOR OF FINANCE REPORT

The outcome of the ASB FY 2023 external audit report was presented to the Board, noting that the Carr, Riggs, and Ingram audit firm completed the audit in January of this year and issued an unmodified, or “clean,” audit opinion on the financial statements. The highlights of the audit report include 1) the auditors issued two ASB audit reports– one for the Treasury Fund reported under GASB and a second for the non-treasury funds reported on a modified cash basis, 2) the statement of financial position report, or balance sheet, showed the ASB net worth increased by over a million dollar in the past year due to investment returns, and 3) a compliance audit finding for failure to comply with the competitive bid law. The compliance findings are expected to continue until the ASB can clarify which procurement rules to follow with the appropriate authorities. The board was also informed that the auditors commended the ASB staff on their record upkeep.

MOTION MADE BY RAYMOND BELL TO RECEIVE THE REPORTS, SECONDED BY SUNTREASE WILLIAMS-MAYNARD, AND APPROVED BY UNANIMOUS VOTE.

LEGISLATIVE COUNSEL REPORT

Legislative Counsel Suzi Huffaker provided an overview of recent activity from the Legislative Session. She reminded the Board of the Legislative tracking service updates each Friday. She informed the Board that a bill excusing individuals over 70 from serving on juries had been referred to the Alabama Rules of Judicial Administration.

ADMISSIONS DIRECTOR REPORT

Admissions Director Karen Laneaux provided a summary of the February Bar Examination administration of 280 applicants with one-third being first-time applicants. She provided a brief update to the Board on meeting with the Board of Bar Examiners and a proposal received from a psychometrician working with the Florida Bar on a state-specific Alabama add-on. She further informed the Board of the ongoing cost analysis that the staff is working on following the release of the NCBE cost report. Laneaux told the Board that the NCBE meeting will be May 3-5 and that she and a few other representatives from Alabama will be attending.

EXECUTIVE COUNCIL REPORTS

Executive Council member Raymond Bell gave a report on activities of the Executive Council since the last board meeting. He shared that two meeting had been held, and that the EC minutes and agendas had been provided in the BBC materials. He further indicated that the activities that he planned to share about the Bar cards, the audits, legislation, and the 50-year celebration had already been covered in the previous reports.

DISCUSSION ITEMS:

COURT OF JUDICIARY ALTERNATE APPOINTMENT

A vacancy was created by Halron Turner's resignation following his appointment to the Judicial Inquiry Commission at the January 19, 2024, Board meeting. Nominations will remain open and may be submitted to terri.lovell@alabar.org prior to the next BBC meeting.

ACTION ITEMS:

LSA APPOINTMENT

A vacancy was created by Alexia Borden's February 12, 2024, resignation from the LSA Board. The executive committee of Legal Services of Alabama recommended Monica Graveline, the new general counsel at Alabama Power to replace Alexia Borden whose term expires on December 31, 2026.

MOTION TO AMEND THE AGENDA, SUSPEND THE RULES, AND IMMEDIATELY TAKE UP THE MOTION OF THE LSA APPOINTMENT MADE BY JOSH HAYES, SECONDED BY LEON HAMPTON, AND APPROVED BY UNANIMOUS VOTE.

LICENSE FEE PARTIAL REFUND POLICY

A policy has been created and modeled after other mandatory bar states to provide a mechanism for lawyers to object to non-germane activities of the bar. This process is arguably required by law and has been upheld by other federal circuits.

MOTION TO AMEND THE AGENDA, SUSPEND THE RULES, AND IMMEDIATELY TAKE UP THE MOTION OF THE LICENSE FEE PARTIAL REFUND POLICY MADE BY CARMEN HOWELL, SECONDED BY ANGELA KENNEDY, AND APPROVED BY UNANIMOUS VOTE.

DISCIPLINARY BOARD LAY PERSON APPOINTMENT

A vacancy has been established by virtue of the Supreme Court of Alabama expanding the number of disciplinary panels to hear cases. Each panel has 4 lawyers and a lay person. There are currently five panels and only three lay persons. Due to the necessity to fill disciplinary panels, General Counsel Roman Shaul made a request to move this matter to an action item so that an upcoming trial would not have to be continued. Joel Connally nominated Chris Phung, a pharmacist from Montgomery, for this vacant spot. Mr. Phung has previous experience on other occupational licensing disciplinary boards.

MOTION TO AMEND THE AGENDA, SUSPEND THE RULES, AND IMMEDIATELY TAKE UP THE MOTION OF THE APPOINTMENT OF CHRIS PHUNG AS A LAY PERSON TO THE DISCIPLINARY BOARD MADE BY JOEL CONNALLY, SECONDED BY PAT SEFTON, AND APPROVED BY UNANIMOUS VOTE.

ALABAMA PRIVATE INVESTIGATORS BOARD APPOINTMENT

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. No other nominations were received.

MOTION TO APPROVE SCOTT HAWK TO THE ALABAMA PRIVATE INVESTIGATION BOARD MADE BY RAYMOND BELL, SECONDED BY JOEL CONNALLY, AND APPROVED BY UNANIMOUS VOTE.

ALABAMA SECURITIES COMMISSION NOMINATION

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. Edward Alley, Christy Kuklinski, and Robert Matthews were previously approved as nominees for a vacancy created by Dag Rowe's expired term at the January 19, 2024, Board meeting. The selection of one of these nominations has not been finalized in the Legislature. Hope Marshall has asked to be reappointed to her seat.

MOTION TO NOMINATE HOPE MARSHALL AND THE TWO NOMINEES NOT SELECTED FROM EDWARD ALLEY, CHRISTY KUKLINSKY, AND ROBERT MATTHEWS TO THE GOVERNOR FOR APPOINTMENT TO THE ALABAMA SECURITIES COMMISSION MADE BY PRATT AUSTIN-TRUCKS, SECONDED BY LISHA GRAHAM, AND APPROVED BY UNANIMOUS VOTE.

LEGAL SPECIALIZATION BOARD

A recommended slate of board members was presented to the Board on January 19, 2024. The nominations include the following names with staggered terms:

- Greg Denny(3)
- Brent Irby(3)
- Erik Heninger(3)
- Freddy Rubio(2)
- Rebecca Beers
- Jennifer Tompkins(2)

Sharon Stuart(2)
Amber James
Tracy Cary(3)
John Civils
Grant Reese(2)
Bryan Comer
Vincent Swiney

MOTION TO APPROVED THE LEGAL SPECIALIZATION BOARD MEMBERS TO INCLUDE THE ABOVE LISTED RECOMMENDED BOARD MEMBERS MADE BY ANGELA KENNEDY, SECONDED BY BOB MCMILLAN, AND APPROVED BY UNANIMOUS VOTE.

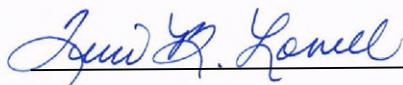
ADJOURNMENT

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 11:27 a.m.



Brannon J. Buck, President
Alabama State Bar

ATTEST:



Terri B. Lovell, Secretary
Alabama State Bar