

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Alabama State Bar Building
415 Dexter Avenue
Montgomery, Alabama 36104

Friday, September 13, 2024

I. CALL TO ORDER

President Tom Perry convened the meeting of the Alabama State Bar Board of Commissioners at 10:01 a.m. in the board room of the Alabama State Bar building, Montgomery, Alabama. Commissioner Mark Debro led the members in the Pledge of Allegiance.

II. ROLL CALL

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

Conrad Anderson	Lee Knowles
Pratt Austin-Trucks	Edwin Lamberth
Mark Boardman	Bill Lancaster
Randy Bozeman	David Langston
Kitty Brown	Will Lee
Brannon Buck – Past President	Felicia Long
Clay Carr	Doug Martinson
Matthew Carter	Bob McMillan
Hunter Compton	Wallace Mills
Joel Connally	Tamara Neeley
Lisa Cooper	Steve Nicholas
Mark Debro	Andrew Nix
Lang Floyd	Lynn Perry
Jana Garner	Tom Perry – President
Kirk Garrett	Gregory Price
Lisha Graham	John Rea
Leon Hampton	Brandy Robertson
Josh Hayes	Ryan Robichaux
Fred Helmsing- President- Elect	Freddy Rubio
Scott Holmes	Steven Savarese
David Holt	Holly Sawyer
Carmen Howell	Pat Sefton
Mitch Kemmer	Julius Shanks
Angela Kennedy	Mitch Shelly

Elizabeth Smithart
 John Stamps
 Andrew Stanley
 Stephen Still

Ronald Strawbridge
 Brian Strength
 Jerome Thompson
 Leila Watson

The following commissioners were absent:

Raymond Bell
 Edgar Black
 Sallie Bowers
 Jeff Bowling
 Will Broome
 Brad Cornett
 Deborah Dunsmore
 Richard Fikes
 Ralph Holt
 Jorja Loftin
 Leslie Moore
 Manish Patel

Ashley Peinhardt
 Bobby Poundstone
 Chuck Price
 Chrissy Riddle
 Jeff Sherrer
 Tyler Sims
 Doug Smith
 Kyra Sparks
 Jimbo Terrell
 Jeff Utsey
 Suntrease Williams-Maynard
 Robin Wolfe

QUORUM PRESENT

Staff members also in attendance were: Roman Shaul, Chad Coker, Merinda Hall, Melissa Warnke, Karen Laneaux, Olivia Walker, Hilaire Armstrong, and Autumn Caudell.

III. APPROVAL OF AGENDA

President Perry asked for approval of the agenda.

COMMISSIONER SCOTT HOLMES MOVED TO APPROVE THE AGENDA. THE MOTION WAS SECONDED BY JANA GARNER AND APPROVED BY UNANIMOUS VOICE VOTE.

IV. INTRODUCTION OF GUESTS

President Perry recognized special guests including Associate Justice Tommy Bryan, Associate Justice Sarah Stewart, Associate Justice Greg Cook, Alabama Law Foundation Executive Director Dawn Hathcock, ASB Past President Sam Rumore, Retired ASB Executive Director Reggie Hamner, State Law Librarian Tim Lewis, Alabama Lawyers Association President and Executive Council Member Aigner Kolom

V. APPROVAL OF THE MINUTES OF THE JUNE 26 AND JUNE 29, 2024, BOARD MEETINGS AND THE MINUTES OF THE JULY 29, 2024, GRAND CONVOCATION AND BUSINESS MEETING.

President Perry stated that the minutes of the June 26, 2024, and June 29, 2024, Board Meetings and the minutes of the June 29, 2024, Grand Convocation and Annual Business

Meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions, or deletions.

COMMISSIONER STEVEN SAVARESE MOVED TO APPROVE THE MINUTES OF THE JUNE 26, 2024, AND JUNE 29, 2024, BOARD MEETINGS AND THE MINUTES OF THE JUNE 29, 2024, GRAND CONVOCATION AND ANNUAL BUSINESS MEETING. THE MOTION WAS SECONDED BY PRATT AUSTIN-TRUCKS AND APPROVED BY UNANIMOUS VOICE VOTE.

VI. REPRIMANDS

Sebrina Martin

Montgomery attorney **Sebrina Lynn Martin** was issued a Public Reprimand without General Publication on September 13, 2024, for violating Rules 8.4(b) [Misconduct], 8.4(c) [Misconduct], 8.4(d) [Misconduct] and 8.4(g) [Misconduct], *Alabama Rules of Professional Conduct*

In ASB 2022-645, during calendar years 2019 and 2020, Martin was employed with the City of Montgomery's Magistrate's Office. As such, in both those years, Martin was required to file a Statement of Economic Interest ("SEI") form. On both forms, Martin neglected to include all her living children as dependents or adult children in the corresponding boxes. On the 2019 form, Martin indicated names of adult children as "N/A." On the 2020 form, Martin indicated the names of adult children as "none." In 2021, Martin was running for a judicial seat in the Montgomery Family Court which again required Martin to complete a SEI form. On said SEI form, Martin indicated that she did not have any living adult children. Martin did include the two (2) minors that resided with her but failed to include the other minor children that she and her second husband adopted. Shortly after Martin won the democratic nomination, an article was published claiming, among other things, that Martin falsified your SEI forms. After the article was published, Martin consulted counsel and was advised to amend the SEI form. On June 14, 2022, Martin amended the SEI form to include all her children, minors and or adults. In the amended SEI form, Martin indicated, in error, that she had a total of ten (10) living children. When Martin signed all four SEI forms, she acknowledged that "I have read and completed this Statement of Economic Interests Form and do swear (or affirm) that the information contained in said Statement of Economic Interests is true and accurate. I fully understand that anyone who violates the disclosure provision of this Act shall be subject to a fine of \$10.00 a day not to exceed \$1,000 annually. I also understand that any attachments that I place with this form become a part of this public record." Martin signed each form and indicated that she completed the form herself and did not have another person complete the forms on her behalf. However, in Martin's response to the article, she alleges she did not file the SEI form and her only fault was her failure to verify the information prior to its filing. This is simply untrue. Martin filed two prior SEI forms which failed to include the information relative to all her living children. In Martin's response to the Bar, she stated that she failed to include all of her children on the original SEI forms because she does not have a relationship with the other seven (7) children and thus including their information was unnecessary. Martin has nine (9) children and she intentionally failed to include all her living children on her SEI forms. With these actions, Martin violated Rules 8.4(b)

[Misconduct], 8.4(c) [Misconduct], 8.4(d) [Misconduct] and 8.4(g) [Misconduct], *Alabama Rules of Professional Conduct*. In addition to the Public Reprimand without General Publication, Martin is also taxed with any and all costs the action, including the \$1,000.00, administrative fee.

Joshua O’Neal

Cullman attorney, **Joshua Milton O’Neal** was issued a Public Reprimand with General Publication on September 13, 2024, for violating Rules 1.3 [Diligence], 1.4 [Communication], and 8.4(a), (c), (d) and 8.4(g) [Misconduct], Alabama Rules of Professional Conduct. After a September 2019 automobile accident, O’Neal was hired on a contingency fee basis by a couple struck by the driver of a stolen vehicle. Despite the client reaching out to the stolen vehicle’s owner and reaching an agreement to settle with his insurance carrier in November 2020, O’Neal insisted that an uninsured motorist claim was the only viable option. O’Neal failed to properly communicate with his client, failed to provide him a copy of the complaint, and advised his client the stolen vehicle owner’s insurance carrier denied the claim when they were still investigating the matter. Additionally, O’Neal failed to provide the carrier with requested information, failed or refused to discuss settlement despite his client’s request to do so, and failed to file a claim on his client’s behalf.

VII. PRESIDENT’S REPORT

President Perry recognized the Supreme Court Justices in attendance and acknowledged the State Bar’s appreciation for the working relationship with the Court. President Perry introduced each of the new commissioners: Randy Bozeman, 2nd Circuit; Tamara Neeley, 9th Circuit; Stephen Still, 10th Circuit, Place 2; Ashley Peinhardt, 10th Circuit, Place 5; Brandy Robertson, 10th Circuit, Place 9; Lisa Cooper, 13th Circuit, Place 2; Wallace Mills, 15th Circuit, Place 6; Julius Shanks, 18th Circuit, Place 2; Will Lee, 20th Circuit; David Holt, 23rd Circuit, Place 4; Ron Strawbridge, Jr., 24th Circuit; Greg Price, 27th Circuit; and Mitchell Shelly, 39th Circuit. President Perry also thanked the staff for another great Annual Meeting highlighting the 320 attendees, 62 speakers, 56 sponsors, 34 exhibitors, and the 1,800 CLE hours awarded to the attendees. President Perry announced the next Annual Meeting date of July 16-19, at the Grand Hotel in Fairhope, Alabama. President Perry shared about his attendance with President-Elect Fred Helmsing and Executive Director Terri Lovell at the ABA Conference in August. He stated he learned that many states are facing some of the issues as our bar including the issue of rural lawyer shortage. President Perry shared highlights of his recent visits with the Alabama Defense Lawyers Association, the Alabama Criminal Defense Lawyers Association, the Circuit and District Judges Associations. He indicated that he had two special privileges in recent weeks to help celebrate the 98th birthday of Jack Livingston in Scottsboro, who will celebrate his 75th year as a member of the bar in 2025. He also visited with the local bar in Barbour County where he had the privilege of honoring Lynn Jinks with his 50- year practice pin at a special reception in Union Springs. President Perry reported on the work of his Executive Council and the work accomplished at the Executive Council Retreat, including a memorable reception hosted by his long-time friends Lloyd and Marcell Frischhertz’s home. He closed by introducing Executive Council member and ASB Personnel Chair

Tom Heflin to provide the board members with an update on his presidential platform, *Harvesting Hope*.

VIII. SECRETARY / EXECUTIVE DIRECTOR'S REPORT

Executive Director Terri Lovell also welcomed the new board members and shared information from the board regarding the orientation. She updated activities since the previous board meeting to include the July Bar Exam, presentations to various groups on the Justice4AL website, and the launch of BetterHelp counseling. Lovell stated that 833 members have been appointed to the 31 committees, tasks forces, boards, and commissions for the 2024-2025 bar year. Lovell announced license renewal had started off strong. She also announced Leadership Forum applications are open until October 4th. Lovell shared about the upcoming retirements of 25-year staff member and VLP Director Linda Lund and 39-year staff member and Publications Editor Margaret Murphy. Lovell thanked the board for supporting the 50-Year Milestone Luncheon to be held on September 19th at Ross Bridge in Birmingham, Alabama. She announced the event has sold out with over 75 honorees and over 125 guests planning to attend. Lovell closed by sharing a recent Order of the Alabama Supreme Court related to the distribution of IOLTA funds, and informed the board that both the Alabama Law Foundation and Alabama Civil Justice Foundation had filed responses with the Court.

IX. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Roman Shaul shared that the attorneys in his office had presented at 150 legal education conference events and have about 30 or more to go before the end of the year. He also announced in recent months, his office has conducted over 20 disciplinary trials. He updated the board on a recent case out of the 9th Circuit Court of Appeals related to licensing of the legal profession. He closed by sharing in recent weeks he had received several calls from commissioners about local lawyers who had received MCLE deficiency notices and had been included in a certified list to the Alabama Supreme Court. He assured the board that multiple communications go out to each attorney and the MCLE staff and OGC staff take months to help the lawyers come into compliance.

X. LOCAL BAR REPORT

Commissioner Pratt Austin-Trucks gave a local bar report from the 19th Circuit. She shared that highlights of their activities include a fall CLE, Law Day for all 2nd graders to visit the courthouse, and a toy drive used to keep the Juvenile Court Toy Closet filled for children appearing in dependency matters.

Commissioner Jerome Thompson gave a local bar report from the 36th Circuit. He shared highlights of a partnership between the Court, local bar, and the local Lion's Club to refer juveniles to the Lion's Club Quest Program, helping foster development and guidance to the students. Thompson also shared about the collaboration with the Board of Education to have high school students exposed to the civics education and the law.

XI. EXECUTIVE COUNCIL REPORT

Executive Council Member Jana Garner provided an overview of the Executive Council functions between board meetings. She informed the board of two meetings of the Executive Council since the Annual Meeting, and shared the minutes had been included in their materials for review. She stated in recent months, time had been spent reviewing the strategic plan action steps, setting priorities for the 2024-2025 bar year, assigning each member a particular area to review, and learning more about President Perry's platform for a legal incubator.

XII. BAR EXAM REPORT

Admissions Director Karen Laneaux reported on the July 2024 Bar Exam. Laneaux announced that there were no major delays or technical issues. The exam was administered to 561 examinees with results to be released on September 27th. She informed the board the February Bar Exam will be held at the Birmingham Jefferson Civic Center, hopefully with cost efficiencies for the bar and also cost savings to more than 70% of the applicants living in close proximity to Jefferson County. She shared that she would be observing a prototype of the NCBE NextGen exam in October. Laneaux indicated that the Board of Bar Examiners are working hard to provide a recommendation in line with the Supreme Court's direction, and have specifically been studying the addition of a state-specific add-on if NextGen is adopted.

XIII. MEMBER BENEFIT REPORT

Commissioner Holly Sawyer, Chair of Member Benefits Committee, outlined three new member benefits to include: 1) a free trust accounting software for all member provided by Smokeball; 2) Practice Panther case management software, and 3) a free 30-day trial of Better Help Counseling.

XIV. FINANCIAL REPORT

Finance Director Merinda Hall presented the 3rd Quarter Financial Reports indicating that we are ahead of revenues over the previous quarter and spending is up over 4.5%.

MOTION MADE BY COMMISSIONER STEVEN SAVARESE TO ACCEPT THE REPORT, SECONDED BY JANA GARNER, AND APPROVED BY UNANIMOUS VOICE VOTE.

DISCUSSION ITEMS:

XV. FY2026 BUDGET PROPOSAL

Finance Director Merinda Hall presented the FY2026 state budget proposal at \$7,066,645 million, a slight decrease over the FY2025 state budget. An overview of the FY2026 budget included membership dues returning to \$325. Anticipated in this budget proposal is a 2% COLA, adjustments to the travel lines for inflation and, and projected increases in rentals/leases to the ASB Foundation.

ACTION ITEMS:**XVI. HALL OF FAME SELECTION COMMITTEE**

Past President Sam Rumore, Chair of the Hall of Fame Selection Committee appeared before the board to recommend Judge George Washington Lane as the replacement nominee to the 2024 Hall of Fame.

MOTION MADE BY COMMISSIONER PRATT AUSTIN-TRUCKS TO ACCEPT THE NOMINATION OF JUDGE GEORGE WASHINGTON LANE TO 2024 ALABAMA LAWYERS HALL OF FAME, SECONDED BY JOEL CONNALLY, AND APPROVED BY UNANIMOUS VOICE VOTE.

XVII. APPROVAL OF ALABAMA LAW FOUNDATION BOARD APPOINTMENTS

President Tom Perry informed the board the nominations of Audrey Strawbridge and Jeff McLaughlin were omitted in error from the materials provided for the June 26, 2024, board meeting. He further stated the Executive Council met on July 18, 2024, and approved the nominations due to the necessity to fill the vacancies in compliance with the Alabama Law Foundation's governance requirements. The Executive Council recommended confirmation of the vote.

COMMISSIONER RON STRAWBRIDGE RECUSED FROM THE VOTE.

MOTION TO CONFIRM THE APPOINTMENT OF AUDREY STRAWBRIDGE AND JEFF MCLAUGHLIN TO THE ALABAMA LAW FOUNDATION BOARD OF DIRECTORS MADE BY JANA GARNER, SECONDED BY JEROME THOMPSON, AND APPROVED BY VOICE VOTE.

XVIII. APPROVAL OF STAFF COMPENSATION FY2024-2025

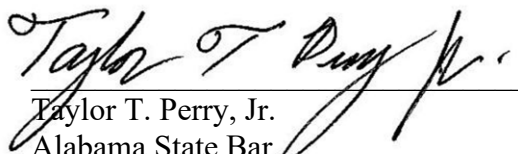
Staff compensation for FY2024-2025 is recommended at a total of \$3,561,062 and represents a 0.05% decrease in the total approved for FY2023-2024. The recommended amount provides for a 2% Cost of Living Adjustment (COLA), as authorized by the State of Alabama in Act 2024-355, plus a 1% merit raise for all staff, and select staff promotions. Although the total salary recommendation for all employees exceeds the \$3,350,000 budgeted and approved by the BBC last October, the net salaries funded by the state budget will total 3,186,260 counting the salary reimbursements from other related funding sources.

COMMISSIONER RANDY BOZEMAN RECUSED FROM THE VOTE.

MOTION MADE BY COMMISSIONER PRATT AUSTIN-TRUCKS TO APPROVE STAFF COMPENSATION FOR FY2024-2025 IN THE AMOUNT OF \$3,561,062, SECONDED BY LEON HAMPTON, AND APPROVED BY VOICE VOTE.

XIX. ADJOURNMENT

President Perry asked if there was any further business to come before the Board. President Perry announced the meeting adjourned at 11:45 a.m.


Taylor T. Perry, Jr.
Alabama State Bar
President, 2024-2025

ATTEST:



Terri B. Lovell, Secretary
Alabama State Bar