

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

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

Friday, November 1, 2024

CALL TO ORDER

President Tom Perry convened this meeting of the Alabama State Bar Board of Bar Commissioners at 10:00 a.m. in the boardroom of the Alabama State Bar building, Montgomery, Alabama. Commissioner Ron Strawbridge led those in attendance in the Pledge of Allegiance.

ROLL CALL

Secretary/Executive Director Terri Lovell took the roll of the Commission and the following Commissioners were present:

Pratt Austin-Trucks	Ralph Holt	Mitch Shelly
Raymond Bell	Mitch Kemmer	Jeff Sherrer
Edgar Black	Will Lee	Doug Smith
Mark Boardman	Jorja Loftin	Elizabeth Smithart
Sallie Bowers	Felicia Long	Kyra Sparks
Jeff Bowling	Doug Martinson	John Stamps
Randy Bozeman	Bob McMillan	Stephen Still
Will Broome	Wallace Mills	Ronald Strawbridge
Kitty Rogers Brown	Tamara Neeley	Brian Strength
Brannon Buck	Steve Nicholas	Jerome Thompson
Clay Carr	Andrew Nix	Jeff Utsey
Matthew Carter	Ashley Peinhardt	Leila Watson
Hunter Compton	Lynn Perry	Suntrease Williams-Maynard
Joel Connally	Tom Perry	Robin Wolfe
Brad Cornett	Bobby Poundstone	
Mark Debro	Chuck Price	
Richard Fikes	Gregory Price	
Lang Floyd	John Rea	
Jana Garner	Brandy Robertson	
Lisha Graham	Steven Savarese	
Josh Hayes	Holly Sawyer	
Fred Helmsing	Pat Sefton	
David Holt	Julius Shanks	

The following Commissioners were absent:

Conrad Anderson
 Lisa Cooper
 Deborah Dunsmore
 Kirk Garrett
 Leon Hampton
 Scott Holmes
 Carmen Howell

Angela Kennedy
 Lee Knowles
 Edwin Lamberth
 Bill Lancaster
 David Langston
 Leslie Moore
 Manish Patel

Chrissy Riddle
 Ryan Robichaux
 Freddy Rubio
 Tyler Sims
 Andrew Stanley
 Jimbo Terrell

QUORUM PRESENT

Bar staff members in attendance included: Roman Shaul, Chad Coker, Merinda Hall, Melissa Warnke, Olivia Walker, Chris Colee, Hilaire Armstrong, Autumn Caudell, Karen Laneaux, Shannon Knight, and Jordan Gilmore.

APPROVAL OF AGENDA

President Perry asked for approval of the agenda.

COMMISSIONER STEVEN SAVARESE MOVED TO APPROVE THE AGENDA, SECONDED BY JANA GARNER, AND APPROVED BY UNANIMOUS VOICE VOTE.

INTRODUCTION OF GUESTS

President Perry recognized all guests in attendance, including: Alabama Supreme Court Associate Justice Will Sellers; Associate Justice Sarah Stewart; Associate Justice Greg Cook; Supreme Court Clerk Megan Rhodebeck; Eileen Harris, Director of the Alabama Supreme Court Commission on Dispute Resolution; Dawn Hathcock, Executive Director of the Alabama Law Foundation; Aigner Kolom, Alabama Law Association; Sam Garner, UA student and son of Commissioner Jana Garner; Cumberland School of Law: Rachel Martin-Director of Clinics, Externships and Public Interest; Sydney Moore, President of the Cumberland Public Interest Organization and Public Interest Fellow; and Mackenzie Zusi; University of Alabama School of Law: Paisley Flagg; Miles College of Law: Interim Dean Tiffani Agee; Charmayne Jackson; Secrece Alexander; Birmingham School of Law: Dean Scott Garrett; Tyler Gray; and Tiasha Thompson.

President Perry called on Commissioner Jeff Bowling, Pro Bono Task Force Chair, and Hilaire Armstrong, VLP Director, to recognize the law students in attendance for their work in the law school and pro bono clinics. Cumberland and the University of Alabama School of Law were the winners of the 1L Pro Bono Pledge, having tied with a 45% participation rate.

APPROVAL OF MINUTES FROM SEPTEMBER 13, 2024 MEETING

President Perry stated the minutes of the September 13, 2024 Board of Bar Commissioners Meeting had been transcribed and circulated prior to the November 1, 2024 meeting. He asked if there were any corrections, additions, or deletions to those minutes. No changes were made.

COMMISSIONER KITTY ROGERS BROWN MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 13, 2024 BOARD OF BAR COMMISSIONERS MEETING, SECONDED BY PRATT AUSTIN-TRUCKS, AND APPROVED BY UNANIMOUS VOICE VOTE.

PUBLIC REPRIMANDS

Anniston, Alabama attorney **Coker Bart Cleveland** was issued a public reprimand with general publication by the Disciplinary Commission of the Alabama State Bar on November 1, 2024, for violating: Rules 1.1 [Competence], 1.3 [Diligence], 3.4(c) [Fairness to Opposing Party or Counsel], 5.3 [Responsibilities Regarding Nonlawyer Assistants], and 8.4(d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Cleveland repeatedly failed to appear in court, failed to respond to orders, and failed to communicate with other counsel. Opposing counsel was unable to remit settlement funds to Cleveland's client because he repeatedly would not accept the funds or sign a release. Cleveland was held in contempt of court for repeated failure and/or refusal to comply with the Court's orders.

Birmingham, Alabama attorney **Ronnie O. Rice** was issued a public reprimand with general publication by the Disciplinary Commission of the Alabama State Bar on November 1, 2024, for violating: Rules 1.3 [Diligence], 1.4 [Communication], 1.5 [Fees], 1.8(h) [Conflict of Interest – Prohibited Transactions], 3.2 [Expediting Litigation], 8.4(d) [Misconduct] and 8.4(g) [Misconduct], *Alabama Rules of Professional Conduct*. Rice was retained in April of 2023, to represent a client in a counter petition for custody in a pending custody matter. During the representation, the Court scheduled three separate hearing. Rice failed to attend a single hearing, advised the client not to attend the hearings, and filed continuances on the date of two of the hearings. Rice acted shocked when he learned from the client that the client's counter petition had been dismissed because of Rice's failure to attend the second hearing. It is clear from text exchanges that Rice knowingly failed to advise the client of the court order dismissing the client's counter petition, granting custody to the opposing party, and ordered Rice's client to pay child support. After the matter was concluded, the client contacted Rice and requested a full refund. Initially, Rice was not amenable to any refund. After some communications, Rice offered to refund the client the entire retainer paid if the client signed a release. The release presented to the client prevented the client from filing any complaint or grievance against Rice for his conduct in this matter. At no point did Rice advise the client that he must retain independent counsel in order to negotiate said release. Rice is required to pay any and all costs taxed of the proceedings, pursuant to Rule 33, *Alabama Rules of Disciplinary Procedure*, including but not limited to a \$1,000 administrative fee and publication costs.

Huntsville, Alabama attorney **Perrar A. Joseph** was issued a public reprimand without general publication by the Disciplinary Commission of the Alabama State Bar on November 1, 2024, for violating: Rules 1.3 [Diligence], 1.4 [Communications], 1.5 [Fees], 1.15 [Safekeeping Property], 3.2 [Expediting Litigation], 8.4(d) and 8.4(g) [Misconduct], *Alabama Rules of Professional Conduct*. In ASB 2022-208, Joseph was retained to represent a client regarding an alleged parole violation. The client's probation had been revoked prior to Joseph being retained. Joseph advised the client he would research the sentencing point system to determine if the client had a reasonable basis to seek reconsideration of his sentence. Joseph's research indicated that the Court did not have jurisdiction to resentence the client. Joseph failed and/or refused to disclose the research and legal conclusion to the client. Further, the client requested Joseph's assistance in being "furloughed" to a specific treatment facility, in lieu of serving the remainder of his sentence. Joseph contacted the treatment program and confirmed that the client was accepted into the program. Joseph failed to notify the Court and/or the Parole Board of the client's acceptance in the program. Joseph also failed to motion the Court to place the client in Community Corrections with orders for the client to seek treatment at the specific program. Lastly, Joseph was not present at the client's parole board hearing so he could not advocate on behalf of the client before the parole board. During the investigation of this matter, Joseph admitted he failed to maintain a trust account ledger in the matter and that he missed numerous meetings and/or scheduled phone calls with the client. Upon requesting Joseph's file in the matter, he produced his entire case file which consisted of only two letters received from the client. Both letters from the client concerned Joseph's failure to communicate with the client. Joseph admitted he did not respond to either letter. In addition to the Public Reprimand with general publication, Joseph is also required to reimburse the client the \$2,500.00, retainer, and is taxed with any and all costs of ASB 2022-808, including an administrative fee of \$1,000.00, pursuant to Rule 33, *Alabama Rules of Disciplinary Procedure*.

PRESIDENT'S REPORT

President Perry highlighted Pro Bono Month and shared he attended the Legal Services Annual Meeting in Tuscaloosa where VLP Director Linda Lund was recognized with the LSA Pro Bono Award. While in Tuscaloosa, he met with John Hollis Jackson to present a pin and certificate to provide to his brother, Alex Walter Jackson, for the virtual 50-year Milestone ceremony on October 7. President Perry highlighted the 50-Year Milestone Luncheon held in September at Ross Bridge with more than 80 honorees in attendance. Later that week, he held a welcome call with this year's ASB Committee and Task Force Chairs and Co-chairs. President Perry stated he also enjoyed visiting with the Young Lawyers Section Executive Board. Some of the many activities and pictures from October that President Perry shared with the Commissioners included the Red Mass and Opening of Court Ceremony. President Perry was honored to deliver a message at the Red Mass on behalf of the Bar to the families of Bar members who died in the past year. He shared about participating in the Pro Bono Proclamation signing with Governor Ivey, a Harvesting Hope Task Force meeting, the Admissions Ceremony for new Alabama lawyers, and the Southern Conference of Bar Presidents meeting in Jackson, Mississippi. President Perry invited Commissioners to participate in the upcoming Toolbox Tours in Columbiana on November 15, Dothan on December 3, or Decatur on December 5.

EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director Terri Lovell shared the recent July Bar Exam statistics released on September 27 with an overall 57.04% passage rate. The respective results for each Alabama law school included Alabama at 90.36%, Cumberland at 76.19%, Jones at 73.77%, Birmingham School of Law at 17.53%, and Miles Law School at 0.00%. She informed the Board that since the last meeting there had been a continuing focus on the upcoming changes to the Bar exam. Lovell shared the Alabama Supreme Court entered an Order to add a state-specific three-hour essay to the new Bar exam. The Board of Bar Examiners have been given until March 25, 2025 to provide a plan to the Court. Lovell also informed the Board of the Court's approval of the recommended changes to the Alabama Rules Governing Admission. She shared recent Bar staff news, including Linda Lund's retirement and records retention training. She introduced Hilaire Armstrong as the new VLP Director and Shannon Knight as the new Alabama Lawyer Assistance Program Director. Lovell also shared the news of ALAP Law School Liaison Joycelyn Hill's departure for a continuation of her PhD program and information about the Southern Conference of Bar Presidents meeting in Mississippi. Finally, she highlighted the attention President Perry's "Legal Opportunity Zones" platform has been receiving across the Conference and shared the gratitude expressed by the North Carolina Bar for the Young Lawyers Section's participation in volunteer efforts following Hurricane Helene.

GENERAL COUNSEL'S REPORT

General Counsel Roman Shaul notified the Board about recent orders from the Alabama Supreme Court related to reinstatements and Rule 20 of the Alabama Rules of Disciplinary Procedure. He also stated the Court entered an Order of Understanding to formally approve all regulation changes going forward. Shaul announced an upcoming Disciplinary Summit on March 4, 2025.

LOCAL BAR REPORT

No local Bar reports were given.

DIRECTOR OF FINANCE REPORT

Director of Finance Merinda Hall informed the Board that FY 2024 closed with a surplus of \$276,000 in appropriated funds, down from last year's reported financials. Revenues increased by less than 1% for the year. Investment balances increased over the year in the amount of \$2.3 million. Hall presented the 4th Quarter Financial Report indicating total revenue for FY 2024 of \$6,572,158.08, with total expenses of \$6,295,475.36.

COMMISSIONER MARK DEBRO MOVED TO ACCEPT THE 4TH QUARTER FINANCIAL REPORT, SECONDED BY JEFF BOWLING, AND APPROVED BY VOICE VOTE.

EXECUTIVE COUNCIL REPORT

Vice President John Stamps shared the Executive Council report. He reported there have been two meetings of the Executive Council since the September 13th Board meeting. He informed the Board

that no action had been taken at those meetings other than approving the agenda for the November Board meeting. Stamps stated the Bar Staff had kept the Executive Council informed about the activities of the previous quarter, including the current examination by the Examiner of Public Accounts and the progress of the Fred Gray Courtyard project.

SECTION REVIEW REPORT

Director of Operations Chad Coker provided a report on Section activity. He stated President Perry had recently rebooted the Disabilities Law Section and the Business Torts and Antitrust Section. Coker informed the Board the 33 Sections collectively currently have an approximate balance of \$953,000 in their accounts and the 8 inactive Sections collectively have a balance of less than \$35,000. He recommended the Communication Section, containing zero Members and a \$15.00 Section balance, be dissolved at a future date. Coker also gave a report on the National Guard Task Force and the Lantinx Task Force.

APPROVAL OF FY 2025 BUDGET

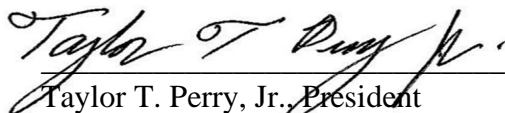
Finance Director Merinda Hall presented the Finance and Audit Committee's recommendation to approve the FY 2026 Budget at \$7.066 million, a slight decrease from the budget approved for FY 2025.

COMMISSIONER JEFF BOWLING MOVED TO APPROVE THE FY 2026 BUDGET AT \$7.066 MILLION, SECONDED BY MARK DEBRO, AND APPROVED BY VOICE VOTE.

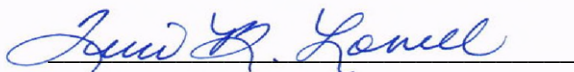
COMMISSIONER RANDY BOZEMAN RECUSED FROM THE VOTE.

ADJOURNMENT

President Perry asked if there was any further business to come before the Board. There being no further business, the meeting was adjourned at 10:48 a.m.


 Taylor T. Perry, Jr., President
 Alabama State Bar

ATTEST:


 Terri B. Lovell, Secretary/Executive Director
 Alabama State Bar