

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

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

Friday, March 21, 2025

CALL TO ORDER

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

ROLL CALL

The Secretary/Executive Director took the roll of the Board of Bar Commission, and the following Commissioners were present:

Conrad Anderson	Carmen Howell	John Rea
Pratt Austin-Trucks	Mitch Kemmer	Brandy Robertson
Raymond Bell	Angela Kennedy	Ryan Robichaux
Mark Boardman	Lee Knowles	Freddy Rubio
Jeff Bowling	Aigner Kolom	Steven Savarese
Randy Bozeman	Edwin Lamberth	Holly Sawyer
Will Broome	Will Lee	Julius Shanks
Clay Carr	Jorja Loftin	Mitch Shelly
Matthew Carter	Felicia Long	Jeff Sherrer
Hunter Compton	Doug Martinson	Elizabeth Smithart
Lisa Cooper	Bob McMillan	John Stamps
Mark Debro	Wallace Mills	Ron Strawbridge
Jana Garner	Tamara Neeley	Jerome Thompson
Kirk Garrett	Steve Nicholas	Jeff Utsey
Leon Hampton	Andrew Nix	Suntrease Williams-
Fred Helmsing	Lynn Perry	Maynard
Scott Holmes	Tom Perry	Robin Wolfe
David Holt	Bobby Poundstone	
Ralph Holt	Gregory Price	

The following Trustees were absent:

Edgar Black	Lisha Graham	Doug Smith
Sally Bowers	Josh Hayes	Kyra Sparks
Kitty Rogers Brown	Bill Lancaster	Andrew Stanley
Brannon Buck	David Langston	Stephen Still
Joel Connally	Leslie Moore	Brian Strength
Brad Cornett	Manish Patel	Jimbo Terrell
Deborah Dunsmore	Ashley Peinhardt	Al Vance
Richard Fikes	Pat Sefton	Leila Watson
Lang Floyd	Tyler Sims	

QUORUM PRESENT

Staff members in attendance included: Roman Shaul, Chad Coker, Merinda Hall, Melissa Warnke, Jeremy McIntire, Stacey Moseley, Jill Evans, Hilaire Armstrong, Karen Laneaux, Shannon Knight, Cathy Sue McCurry, and Angie Burkhalter.

APPROVAL OF AGENDA

President Perry asked for approval of the agenda.

COMMISSIONER PRATT AUSTIN-TRUCKS MOVED TO APROVE THE AGENDA, SECONDED BY BRANDY ROBERTSON, AND APPROVED BY UNANIMOUS VOICE VOTE.

INTRODUCTION OF GUESTS

President Perry recognized all guest in attendance which included: Associate Justice Will Sellers; Associate Justice Greg Cook; Dawn Hathcock, Executive Director of the Alabama Law Foundation; Chief Justice Sarah Stewart, Supreme Court Clerk Megan Rhodebeck; AOC Director Nathan Wilson; and Birmingham Bar President Bob Battle.

REMARKS FROM CHIEF JUSTICE SARAH STEWART

Chief Justice Sarah Stewart provided an update from her first 58 days in office. She informed the board the Court will now be livestreaming oral arguments, and shared, beginning in October, the Court will release affirmed no opinions memos. Stewart shared she was interested in looking at workforce development funding to help with the Harvesting Hope initiative. She concluded by recognizing and thanking her AOC leadership team.

APPROVAL OF MINUTES FROM JANUARY 24, 2025, MEETING

President Perry stated that the minutes of the January 24, 2025, 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 MOTION TO APPROVE MINUTES FROM JANUARY 24, 2025, SECONDED BY DAVID HOLT, AND APPROVED BY UNANIMOUS VOICE VOTE.

PUBLIC REPRIMANDS

Four public reprimands were presented by President-Elect Fred Helmsing.

Birmingham, Alabama attorney **Donnetta Ellis Washington** was issued a Public Reprimand with General Publication by the Disciplinary Board of the Alabama State Bar, on March 21, 2025, for violating Rules 1.3 [Diligence], 1.4 [Communication], 1.5 [Fees], 8.4(c) [Misconduct], 8.4(d) [Misconduct], and 8.4(g) [Misconduct], *Alabama Rules of Professional Conduct*. On March 21, 2022, Washington entered into a contingency fee agreement with a client for representation regarding injuries from a motor vehicle accident that occurred on September 26, 2021. During the eighteen (18) months Washington represented a client, she failed to adequately communicate with the client; failed to respond to reasonable requests for information; failed to tender payment for invoices for medical records; her staff gave fabricated information to the client; and, she failed to timely draft a demand letter, waiting until a month before the statute of limitations ran. The client terminated Washington on September 7, 2023. Promptly thereafter, Washington instituted an attorney's lien on the client's personal injury case for two thousand five hundred dollars (\$2,500.00). Washington failed to advise the client that if her services were terminated prior to resolution, she may be entitled to an attorney's lien for services rendered. On the date the client terminated Washington's services, there were only thirteen (13) days before the statute of limitations expired. As of the date of termination, Washington had failed to send a demand letter and or begin negotiations with the insurance company and or file a lawsuit to preserve the statute of limitations.

Montgomery, Alabama attorney **Samuel Jacob McLure** was issued a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar on March 21, 2025, for violating Rules 3.3 [Candor Towards the Tribunal], and 8.4(d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. In or about September of 2022, DHR placed two minor children into the care of foster parents. In March 2023, the foster parents, through an attorney, intervened in a pending dependency proceeding. Their attorney withdrew from the matter and McLure was subsequently hired to represent the foster parents. On June 27, 2023, McLure filed a Verified Petition for Custody and a Verified Petition to Terminate Parental Rights in the dependency action in Madison County Juvenile Court. That same day, McLure also filed a Petition for Adoption on behalf of the foster parents in Madison County Probate Court. Pursuant to Ala. Code § 26-10A-16, McLure was required to disclose to the probate court the existence and nature of any prior court orders affecting custody, visitation, or access to the adoptee. When filing the Petition for Adoption, McLure answered "unknown to the petitioners at this time." On July 24, 2023, McLure filed an Amended Petition for Adoption and again failed to inform the probate court of the nature and existence of court orders, known to him, affecting custody, visitation, or access to the adoptee in the ongoing dependency proceedings as required by Ala. Code § 26-10A-16. On September 7, 2023, the probate court issued the foster parents a Final Decree of Adoption, despite the fact that the natural parents time to answer the petition had not passed. Following the adoption, both the natural mother and father filed notices in the probate court and moved to set aside the

adoption. The probate court issued an order setting the matter for hearing and ordered all counsel to appear in person at the hearing. McLure did not attend the hearing but sent another member of his firm.

Alabama attorney **John Tracy Fisher, Jr.** was issued a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar on March 21, 2025, for violating Rules 5.5 [Unauthorized Practice of Law], and 8.4(c), (d), and (g) [Misconduct], *Alabama Rules of Professional Conduct*. On May 31, 2024, Fisher sent a letter to a New York law firm on behalf of his client, K. Carter. The matter concerned a landlord/tenant dispute in New York. Fisher is not licensed to practice law in New York. The letter was drafted on Fisher's law firm's letterhead. In the letter, Fisher directed the law firm to cease communicating with his client and to have the firm's client cease and desist in communicating with his client. Fisher then demanded that the law firm's client immediately correct a number of issues with the apartment being rented by his client. In doing so, Fisher cited New York law and statutes. Fisher also threatened the filing of complaints with New York regulators and demanded monetary and other compensation on behalf of his client. In response to the complaint, Fisher explained that the client was referred to him by his firm's investigator, Andrew McCarley. McCarley is listed on Fisher's letterhead in a manner that makes it appear that McCarley is a licensed attorney and member of Fisher's law firm. In fact, McCarley is not a lawyer. Despite not being a licensed attorney, Fisher invited the opposing party's lawyer to contact him or "Andrew McCarley." Fisher further stated in his letter that McCarley "has already begun preparing complaints for relevant regulatory authorities." Fisher made it appear that McCarley is a lawyer and a member of his law firm. The opposing law firm also believed McCarley was a licensed lawyer and member of Fisher's law firm as evidenced in their email communications with Fisher, the client, and McCarley. Fisher did not make any effort to correct their assumption regarding McCarley. Further, Fisher's letter clearly stated that K. Carter was his client, that Fisher was threatening legal action against the opposing party and offered a proposed settlement of the legal dispute.

Oneonta, Alabama attorney **Harris Stanton Burns, III**, was issued a Public Reprimand without General Publication by the Disciplinary Commission of the Alabama State Bar on March 21, 2025, for violating Rules 1.3 [Diligence], 1.4 [Communication], 1.15 [Safekeeping Property], and 8.4(d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Burns's client's ex-husband filed a complaint for divorce on March 24, 2022. However, the ex-husband's attorney listed an incorrect name for Burns's client, as the defendant. The ex-husband's attorney amended the divorce petition and substituted the correct name. After the ex-husband was unable to serve the divorce petition, the court issued an order allowing service by publication on June 16, 2022. On August 3, 2022, the petition was served on Burns's client by certified mail and was later personally served on the client on September 22, 2022. In August 2022, the client hired Burns to represent her in the divorce and paid a \$1,500 retainer. Burns failed to place the retainer in trust as required by Rule 1.15. On October 24, 2022, the ex-husband filed a Motion for Default Judgment after Burns failed to file an answer to the divorce complaint. Burns also failed to file a response to the Motion for Default Judgment. On November 1, 2022, the court granted the Motion for Default Judgment. A final judgment of divorce was entered on December 1, 2022. Burns failed to timely notify his client of the final judgment disposing of all the issues in her case. Also, despite being retained in August of 2022, Burns did not enter a notice of appearance in the case until December 5, 2022. On December 6, 2022, Burns filed a Motion to Alter, Amend or Vacate, as well as an

Answer and Counterclaim. In the Motion to Alter, Amend or Vacate, Burns argued that his client had not been served with a copy of the amended complaint containing her correct name. Since the trial court never ruled, the Motion to Alter, Amend or Vacate was denied by operation of law. In March 2023, Burns's client called for an update on her divorce. Burns failed to respond. On June 6, 2023, Burns's client texted Burns again for an update on the divorce. Despite a final ruling being entered six (6) months earlier, Burns responded that he had not heard anything in a while and would look into it. In October 2023, Burns finally told his client that she was divorced, but that "there are still things going on with it." This statement was incorrect since a default judgment had been entered almost a year earlier and Burns's Motion to Alter, Amend or Vacate had been denied by operation of law.

PRESIDENT'S REPORT

President Tom Perry thanked those in attendance and River Bank and Trust for the enjoyable Tailgate Reception. President Perry offered condolences to Pratt Austin-Trucks on the loss of her father, James Frank Trucks, a 56-year member of the Alabama State Bar. Perry highlighted the Supreme Court Investitures and his attendance at the ABA Mid-Year Meeting in Phoenix. Perry informed the board that a meeting of the Trust Accounting Task Force, the Licensing Review Task Force, and a meeting with the Alabama State Bar Section chairs had been held. Perry highlighted the success of the Toolbox Tour held in Greenville. Perry shared he had the opportunity to speak at the Alabama Lawyers Association Hall of Fame Dinner and thanked Executive Council Member and President of ALA Aigner Kolom for her leadership. Perry shared the Leadership Forum Class 19 recently visited Scottsboro where they heard from Jack Livingston and honored him with a presentation for his 75-year member of the Alabama State Bar. Perry concluded by thanking Finance Director Merinda Hall and the entire staff for their outstanding work throughout the audit period.

EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director Terri Lovell thanked the Court for their guidance and working relationship with the Alabama State Bar. She shared pictures of the new HVAC system being installed and provided an update on the burst pipe that occurred during the previous board meeting. Lovell provided a report from the February Bar Exam held at the Birmingham Jefferson Civic Center, and thanked the Alabama State Bar Women's Section for providing lawyer volunteers to assist with monitoring. She reported no irregularities and a successful administration at the new venue. Lovell reminded the board of the approaching ASB elections and deadlines, Annual Meeting registration, and Law Day classroom opportunities. She announced an increase in Section membership by 19.7% since last year and thanked commissioners who had actively assisted in the reboot of non-active sections.

GENERAL COUNSEL'S REPORT

General Counsel Roman Shaul provided an update on the Rule 7 Lawyer Advertising status. Shaul also reviewed the proposed changes to Rule 1, Alabama Rules of Disciplinary Procedure, and Rule 8.5, Alabama Rules of Professional Conduct to apply the lawyers advertising rules consistently for

in-state and out-of-state lawyers. Shaul previewed the recommendation from the Client Security Fund Committee to waive the CSF \$25 fee for the 2025-2026 bar year.

FINANCE DIRECTOR'S REPORT

Director of Finance Merinda Hall provided a summary of the recent audit exit conferences. The external financial audit performed by Carr Riggs was a clean audit opinion, with a net worth increase of \$3.2 million. Hall highlighted the preliminary findings of the Examiner of Public Accounts, stating the 3-year compliance audit covered thousands of transactions and decisions, and discussed the findings we would need to address going forward.

LEGISLATIVE UPDATE

Legislative Counsel Suzi Huffaker provided an overview of the first 16 days of the legislative session. Huffaker shared over 700 bills had been dropped and several bills were related to occupational licensing. Huffaker highlighted the Accountability Court bill passage and emphasized the improved relationship between the legislature and the court system under the leadership of Chief Justice Sarah Stewart. Huffaker reminded the board to watch for local court costs bills and stressed the need for strong relationships with each local representative.

EXECUTIVE COUNCIL REPORT

Commissioner Jana Garner provided the Executive Council report on behalf of Tom Heflin. Garner discussed the work of the Executive Council since the last meeting, the approval of the agenda, and the mentorship opportunities available through the Harvesting Hope initiative.

LOCAL BAR REPORT

In the absence of 38th Circuit Commissioner, President Perry asked Birmingham Bar President Bob Battle to share an update from the Birmingham Bar. Battle highlighted the positive activity and energy of Executive Director Jim Wilson, and also shared about the challenges facing voluntary bars. Battle discussed their efforts to build more of a community around lawyers and camaraderie with the judges in Jefferson County. Battle invited the board members to be part of the Birmingham Bar Foundation's 30th Anniversary Dinner on May 9th.

DISCUSSION ITEMS

The following items were discussed:

General Counsel Roman Shaul presented a recommendation from the Client Security Fund Committee to approve a one-year waiver on the annual \$25 Client Security Fund fee

President Perry also addressed the following upcoming appointments to various boards and commissions and encouraged nominations for vacancies:

Disciplinary Board; Disciplinary Commission; Client Security Fund Committee; Alabama Board of Court Reporting; Court of the Judiciary; Alabama Law Foundation; and the Alabama Lawyers Assistance Foundation.

Executive Director Terri Lovell discussed the recommendation to align the Alabama State Bar holiday schedule with the schedule set by the state of Alabama.

General Counsel Roman Shaul discussed the recommended amendment to Rule 1, Alabama Rules of Disciplinary Procedure, and amendment to Rule 8.5, Alabama Rules of Professional Conduct.

ACTION ITEMS

Tom Perry requested the board take action on the recommendation to approve revisions to the Code of Professional Courtesy as presented by Past-President Brannon Buck on behalf of the Executive Committee and the Bench and Bar Committee at the January 24, 2025, BBC meeting.

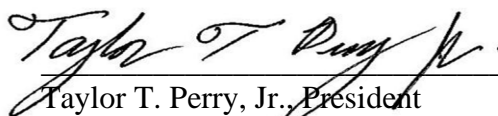
MOTION TO APPROVE REVISIONS TO THE CODE OF PROFESSIONAL COURTESY WAS MADE BY PRATT AUSTIN -TRUCKS, SECONDED BY SUNTREASE WILLIAMS-MAYNARD, AND APPROVED BY UNANIMOUS ROLL CALL VOTE.

MOTION TO SUSPEND THE RULES AND MOVE TO AMEND RULE 1, ALABAMA RULES OF DISCIPLINARY PROCEDURE AND RULE 8.5, ALABAMA RULES OF PROFESSIONAL CONDUCT TO AN ACTION ITEM WAS MADE BY PAT SEFTON SECONDED BY LYNN PERRY AND APPROVED BY UNANIMOUS VOICE VOTE.

MOTION TO AMEND RULE 1, ALABAMA RULES OF DISCIPLINARY PROCEDURE, AND RULE 8.5, ALABAMA RULES OF PROFESSIONAL CONDUCT WAS MADE BY JEROME THOMPSON, SECONDED BY HUNTER COMPTON, AND APPROVED BY UNANIMOUS VOICE VOTE.

ADJOURNMENT

President Perry 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 11:29 a.m.


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

ATTEST:

A handwritten signature in blue ink, appearing to read "Terri B. Lovell", is written over a horizontal line.

Terri B. Lovell, Secretary
Alabama State Bar