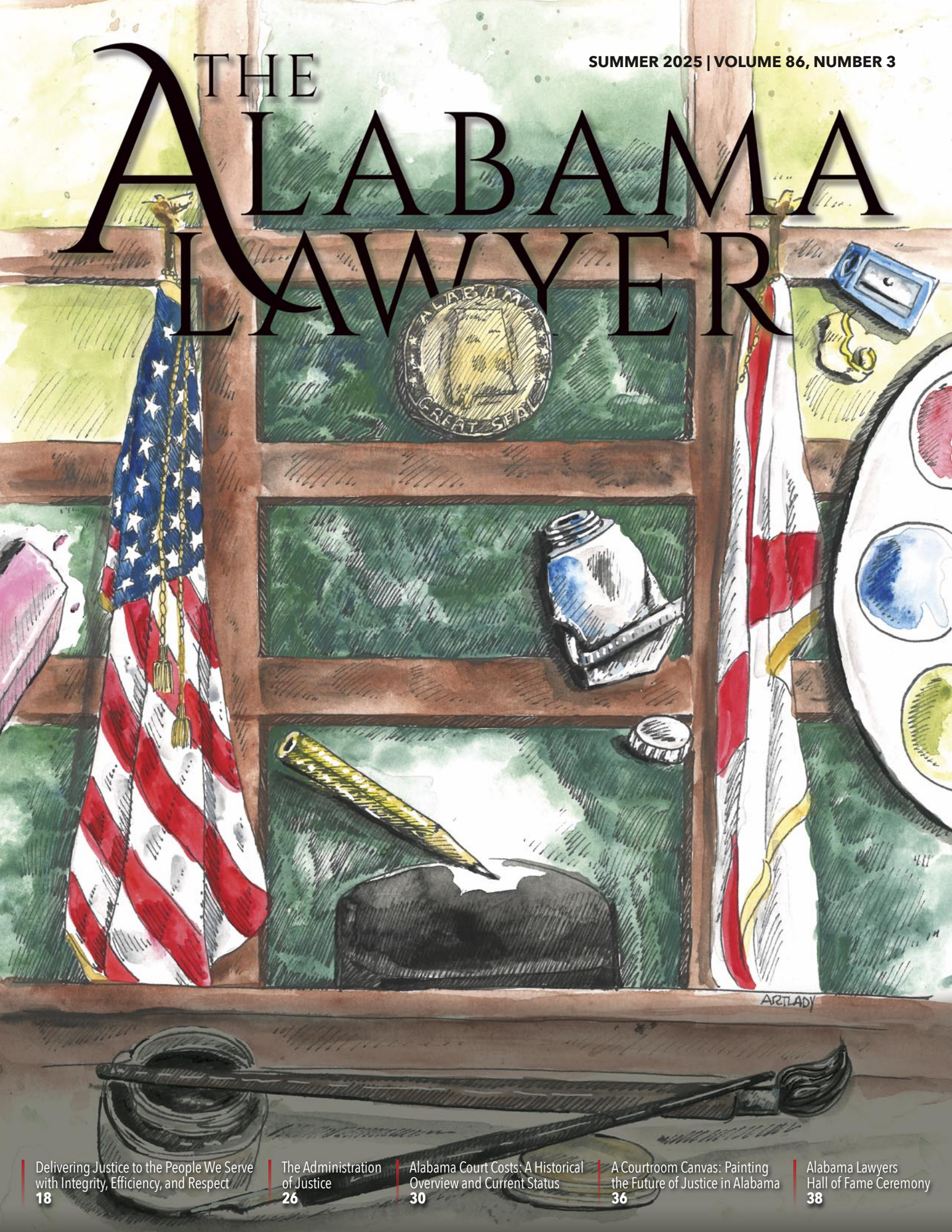


# THE ALABAMA LAWYER



Delivering Justice to the People We Serve  
with Integrity, Efficiency, and Respect  
18

The Administration  
of Justice  
26

Alabama Court Costs: A Historical  
Overview and Current Status  
30

A Courtroom Canvas: Painting  
the Future of Justice in Alabama  
36

Alabama Lawyers  
Hall of Fame Ceremony  
38





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# contents

## ON THE COVER



This original watercolor by Sonya Clemmons, known professionally as “The Artlady,” was painted specifically for *The Alabama Lawyer* and is inspired by the interior of Judge John Graham’s courtroom in Jackson County. Clemmons collaborated with Judge Graham on a creative recovery initiative for Drug Court participants, an art program called *Pictures of Hope*. Her vibrant cover illustration honors that partnership and the transformative power of Alabama’s Accountability Courts. **Read more on page 36.**

18



## FEATURE ARTICLES

- 18** **Delivering Justice to the People We Serve with Integrity, Efficiency, and Respect** *By Chief Justice Sarah Stewart*
- 26** **Administration of Justice**  
*By Nathan Wilson, Administrative Director of Courts*

26





30

- 30** **Alabama Court Costs:  
A Historical Overview  
and Current Status**  
*By J. Langford Floyd,  
with contributions from  
Chief Justice Sarah Stewart,  
Nathan Wilson, Bennet  
Wright, and Brenda Ganey*



- 36** **A Courtroom Canvas:  
Painting the Future of Justice in Alabama**  
*By Melissa Warnke*

- 38** **Alabama Lawyers Hall of Fame Ceremony  
– May 2, 2025**  
*By Samuel A. Rumore, Jr., Chair, Alabama  
Lawyers Hall of Fame Selection Committee*



38





## COLUMNS

- 8 President's Page
- 10 Executive Director's Report
- 12 Editor's Corner
- 16 Important Notice
- 46 Bar Briefs
- 48 In Memoriam
- 50 The Appellate Corner
- 64 Updates from the General Counsel
- 68 Legislative Wrap-up
- 80 Disciplinary Notices
- 88 About Members, Among Firms
- 90 Poetic Justice

## ADVERTISERS

- 3 Alabama Court Reporting, Inc.
- 61 Amanda Adams Appraisals
- 17 American Village
- 2 Attorneys Insurance  
Mutual of the South
- 25 ABA Retirement Funds
- 92 Insurance Specialists, Inc.
- 91 LawPay/MyCase
- 11 Law Practice Management
- 15 National Academy of  
Distinguished Neutrals
- 35 Querious
- 87 Schreiber ADR
- 14 Solo and Small Firm Seminar
- 89 Upchurch Watson
- 45 Veritext

# THE ALABAMA LAWYER

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Although the Alabama State Bar welcomed its 2025-2026 President, new officers, and commissioners in July, this issue of *The Alabama Lawyer* reflects leadership and content prepared prior to that transition. As part of our editorial tradition, a full introduction of President Fred Helmsing and his priorities this year will appear in the fall issue.

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# A Year of Planting

By Tom Perry

2024-2025 President, Alabama State Bar



## When I began my term

as President of the Alabama State Bar, I wasn't entirely sure what the year would bring. But I stepped into the role with a deep respect for our profession and a strong desire to serve the lawyers and citizens of this state.

From the outset, I was struck again and again by how lawyers across Alabama quietly show up each day to make a difference in people's lives. I now carry with me a deeper understanding of just how powerful that quiet service can be.

Today, as I proudly wear the ribbon that marks me as a **Past President** of the Alabama State Bar, I can tell

you that the key word is *past*. And I say that with deep gratitude and just a little relief. That ribbon doesn't just represent a title. It carries the weight (and the laugh lines) of a year that was busier, harder, and more fulfilling than I ever could have imagined.

Throughout the year, you heard me speak often about *Harvesting Hope*. What began as an idea turned into a calling and, I hope, a movement.

This initiative was rooted in a challenge we've long recognized. Too many Alabamians live in counties with little to no meaningful access to legal help. In some areas, there are fewer than one attorney per 1,000 residents. That is not just a troubling statistic. It is a real barrier to justice.

---

**This page reflects Immediate Past President Tom Perry's service during the 2024-2025 Bar year. As is our editorial tradition, the new President's column will begin in the fall issue.**





In response, we focused our efforts on three clear goals:

1. First, to reframe these rural and underserved areas as *Legal Opportunity Zones*, inviting new lawyers to build practices where they're needed most.
2. Second, to establish a strong mentorship network that connects young lawyers with experienced practitioners who can help them grow and thrive.
3. And third, to develop an independent support system with a nonprofit foundation capable of offering real financial and practical assistance.

I'm proud to say we made significant progress on all three fronts.

We secured 501(c)(3) nonprofit status, raised more than \$125,000 in grant funding, placed four new attorneys in underserved counties, built a mentor network of more than 50 lawyers, and shared proven models for establishing successful rural practices.

Each of these milestones is outlined in the adjacent *Seeds of Hope* feature. I encourage you to read it. These "seeds" represent not only the progress we have made, but also the groundwork we've laid for what's to come.

*Harvesting Hope* was never meant to be a one-year project. It is meant to grow. To evolve. To take root in the years ahead.

I remain confident it will. When we lead with purpose, listen to one another, and stay focused on service, real change becomes possible, even in just a year's time.

We won't solve every problem in one bar year, but we can start, we can plant the seeds, and we can do the work. If we keep showing up for one another with humility, hope, and persistence, we will continue to harvest something meaningful for years to come.

It has been the honor of my professional life to serve as your president. I am especially grateful to the Bar staff, our Board of Bar Commissioners, my fellow officers, and the lawyers across the state who gave their time and heart to this work.

I now pass the gavel to President Fred Helmsing, a thoughtful leader who cares deeply about this profession and the people in it. Under his leadership, I know this important work will continue to grow and thrive.

Thank you for the opportunity to serve. ▲

### **NOW ROOTED AS A 501(c)(3)**

Harvesting Hope is officially a nonprofit, opening doors to growth, support, and sustainability for years to come.

### **MENTOR PROGRAM IN FULL BLOOM**

Nearly 50 lawyers statewide have volunteered to be part of the mentorship program to help new lawyers plant confident roots.

### **YOUNG SHOOTS TAKING ROOT**

Four new lawyers have taken root in rural communities with fewer than one attorney per 1,000 residents.

### **FERTILE GROUND FOR GROWTH**

Expense models and possible income streams have been developed to show a sustainable path for lawyers to grow practices in small towns and underserved areas.

### **SUPPORT FROM THE GROUND UP**

With programs already in place within the Alabama State Bar's Law Practice Management Section, new lawyers are equipped to thrive.

### **REAPING THE HARVEST**

The seeds we plant today will blossom into tomorrow's access to justice, strengthening Volunteer Lawyer Programs and reinvigorating the spirit of pro bono service across the state.

### **SEEDS THAT TRAVEL**

The Harvesting Hope message has been shared at more than 60 events across Alabama, spanning more than 15,000 miles driven by Harvesting Hope Task Force Chair Tom Heflin alone. Every stop: another seed planted.

### **CULTIVATING SUPPORT FROM LEADERS**

The initiative has taken root in conversations with top state decision-makers, helping equip the soil for future growth of the initiative.

### **CROSS-POLLINATION IN ACTION**

Other states have taken notice, not just of our model, but of the mindset. The term "*legal opportunity zone*" has reframed rural need as rural potential, inspiring bar leaders beyond Alabama. ▲





Terri Lovell  
[terri.lovell@alabar.org](mailto:terri.lovell@alabar.org)

## *Building on Strong Foundations*

By Terri Lovell



**As summer winds down** and a new Bar year takes shape, we find ourselves at a pivotal moment of reflecting on the milestones behind us and looking ahead with purpose. Our Annual Meeting in July served as a powerful reminder of what's possible when members of the legal community come together with a shared commitment to service, leadership, and progress. From CLE sessions and service recognitions to the ceremonial passing of the gavel, this year's gathering was more than a recap; it was a recharge.

We owe a special debt of gratitude to our outgoing President Tom Perry, whose passion and vision for addressing Alabama's rural lawyer shortage planted seeds of hope and change that will continue to grow. His leadership has laid the groundwork for long-term solutions that could shape the future of access to justice in communities across our state.

Now, with the gavel in new hands, we welcome Fred Helmsing as the 150th President of the Alabama State Bar. Each new president brings fresh ideas and renewed energy. I am confident that under Fred's leadership, we will continue to advance the mission of the Bar with strategic focus and integrity.



For our members, this new Bar year is an open invitation to engage, to serve, and to grow. Whether you're joining a section, mentoring a new lawyer, serving your community, or simply staying informed, your involvement is the heart of the Alabama State Bar.

Inside the state bar building, our team remains committed to supporting you. From regulatory functions to

member services, we are focused on meeting your needs and exceeding expectations. Our regional meetings and CLE events will return this fall, just in time for the MCLE deadline. They will once again offer opportunities to connect in person.

With our publications now shifting to a quarterly schedule, the Fall edition will include full coverage of the Annual Meeting and a feature on

our new president. In the meantime, stay connected through our weekly *Sidebar* newsletter for timely updates, opportunities, and news from across the legal profession.

Please join me in welcoming Fred Helmsing as he steps into his new role. Here's to another year of progress and purpose, together. ▲

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The Alabama State Bar's Law Practice Management Program provides technology and management assistance to lawyers in Alabama, including CLE programming, individual training, and firm-level consulting. Law school education doesn't always prepare attorneys to effectively run the business side of a practice.

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## Popcorn Brain, Short-Term Gain, and Long-Term Pain

By Wilson F. Green



Until about a month ago,

I had never heard of the term “popcorn brain.” This neologism is the brainchild of David M. Levy, Ph.D., a computer scientist at the University of Washington, who has described it as “being so hooked on electronic multitasking that the slower paced life offline holds no interest.”<sup>1</sup> Think of it this way: we’re so used to constant stimulation – social media, multi-text-threading, multi-emailing (please don’t “reply all”!!), dinging, donging, beeping, buzzing – that when it all stops, we’re easily bored, can’t deliberately slow down, or can’t find anything to do. So back to the devices we go for a dopamine hit.

Once I understood it, I knew I had some of this contagion.

I think we all do.

Many of us (I included) grew up in a world with only landlines, without cell phones, and certainly without smartphones. My first of the former kind was a bag phone – I got it in my third year of law school, in 1993. And the second kind was a Blackberry (remember those?). It was the year 2000 (remember the Y2K scare?). I’d been practicing law about six years. My girls, now in their late 20s, were toddlers.

I thought the Blackberry would allow me to spend more time away from the office and more time with them, at the dance studio or on the soccer field. But you know how that story ends, dear reader. Because it’s



your story too. You don't spend less time in the office – at least not mentally – because of these devices. Rather, they, being your umbilical cord to the office, have invaded every moment of your life. Ding, dong, bing, buzz!

Next time you're out to a nice dinner with your family, look around the restaurant. How many people are sitting at dinner **looking at their phones**? How many of us are having a conversation with someone while that someone is looking at their phone, with the periodic and listless "uh-uh" as their eyes never meet yours? I question whether, as a societal norm, we even consider this kind of behavior rude anymore. This is no splinter in my neighbor's eye I am pointing out, either. It's the log in mine.

There's a parallel to popcorn brain which pervades our legal and governmental structures. That's what I invite us to consider briefly in this space. Maybe we should call it "popcorn rules." It's the idea that a group in power sets about to redefine rules or norms in a manner benefitting that group in the nearer term. However, the redefining of such rules backfires on that group in the more intermediate term, and it may ultimately erode stability or corrode the wider culture in the longer term. With popcorn brain, the short-term hourly dopamine rush deteriorates one's long-term attention span. With popcorn rules, the short-term rule change used to win today's fight turns on itself, triggering a deeper and devastating longer-term loss.

Let me give you two recent examples of this – both political: one started by Democrats, and now another very recent one led by Republicans. (This is truly a bipartisan phenomenon.)

**Example 1.** In late 2013, then President Obama could not get judicial and other nominees through a closely divided Senate. Senate Rules in effect since 1917, amended in 1975, required a cloture vote to conclude debate before calling any question, and the minority Republicans at the time had more than the 40 votes needed to kill cloture. That stalemate prompted the then Senate majority leader, the late Democrat Harry Reid of Nevada, to invoke the "nuclear option" – a change in Senate rules, requiring only a simple majority, which abandoned cloture voting requirements for all Presidential nominees, except for potential Supreme Court Justices. The last exception should have been called the "Reid fig leaf" – it was completely unprincipled and would end in an abscission not seen since Adam and Eve. And sure enough, that leaf composted within a few years: in October 2020, the Republican Senate, led by then Majority Leader Mitch McConnell, defoliated the Reid fig leaf, allowing the confirmation of Justice Barrett to replace the late Justice Ginsburg. Reid had exchanged a short-term gain for a longer-term loss. Although he had retired by that time,

Reid was alive to see McConnell's revenge – though in an extended interview from late 2020, he maintained he had "no regrets."<sup>2</sup>

**Example 2.** The United States Constitution requires that States redraw their Congressional districts every 10 years following the census – but there is no prohibition on re-drawing them more frequently. So a Republican-led Texas Legislature has convened in Special Session in recent weeks to redraw Congressional districts in mid-cycle, presumably in order to create more Republican districts, in an effort to stave off a potential loss of control of the U.S. House in the 2026 midterms. Trouble is, the Democrats in the Texas Legislature have fled the jurisdiction in an effort to deprive their legislative bodies of their required quorums needed to pass new maps. As we go to press, the drama is in mid-act: warrants are being issued for the arrests of the absconders. Quite literally as I write this, a *New York Times* headline has just crossed my phone (see how distracted I am!) stating that the F.B.I. will now assist in the hunt-downs of those in flight. Upping the ante, the Democratic-led states of California and New York are moving forward with their own mid-decennial redistricting sessions. Who knows when or how this will all end? Will States get more aggressive in partisan gerrymandering (which itself isn't illegal and is older than our Republic)? Will we all need to become election lawyers, given the flood of litigation to follow? Is this good government?

Thankfully, these are more political than legal examples. The common law is, to some extent at least, protected from the immediacy of political forces akin to those in our examples. Statutory law is somewhat of a different matter, of course, simply because it is the work of political bodies.

Yet the question posed herein is as germane to law, and indeed to life, as it is to politics. What are the foreseen and unforeseen implications of our shorter-term decisions or actions? It's a question we should ponder with every decision we make – whether professional and personal. Simply having the question at the fore prompts us to a deeper contemplation of the long view, independent of or in conjunction with likely shorter-term consequences. Only by considering both, and considering all potential outcomes, can sound judgment be exercised.

Sorry, I gotta go: my phone just dinged. ▲



## ENDNOTES

1. Tara Schmidt, "5 things to know about popcorn brain," Mayo Clinic Press (September 12, 2024); available at <https://mcpres.mayoclinic.org/mental-health/5-things-to-know-about-popcorn-brain/>.
2. See Jeffrey Toobin, "Harry Reid on the Senate, the Supreme Court, and a Time for Major Change," *The New Yorker* (September 29, 2020); available at <https://www.newyorker.com/news/daily-comment/harry-reid-on-the-senate-the-supreme-court-and-a-time-for-major-change>



# SOLO AND SMALL FIRM SEMINAR

10.09.25

WHERE SOLO MEETS STRATEGY

MONTGOMERY, ALABAMA

9:00 – 9:45 AM

## Registration & Coffee

9:45 AM

## Welcome and Opening Remarks

*Terri Lovell, Alabama State Bar Executive Director; Jeanne Rizardi, Alabama Law Foundation President; and Will Hill Tankersley, Alabama Law Foundation Board Member*

10:00 – 10:45 AM

## Trust Accounting Essentials

*Jeremy McIntire, Alabama State Bar Office of General Counsel, Deputy Chief General Counsel*

10:45 AM – 11:45 AM

## AI and the Law: Navigating the Future

*Judge Paul W. Grimm, Director of the Bolch Judicial Institute at Duke Law School; Former U.S. District Judge; Nationally Recognized Authority on AI in the Courtroom*

12:00 – 1:00 PM

## Lunch & Learn: Top Pet Peeves from the Appellate Courts

*Justices Will Sellers, Greg Cook, and Bill Lewis and Judge Rich Anderson*

1:15 – 2:00 PM

## Small Firms, Big Results: The Power of Referral Relationships

*Paul Evans, Beasley Allen Law Firm, Partner*

2:00 – 2:45 PM

## Nobody Wants the Piano: Best Practices for Distributing Non-Cash Estate Assets

*April D. Wise, Balch & Bingham LLP, Partner*

3:00 PM – 3:30 PM

## Tech on Trial: Winning the Jury in the Digital and Visual Age

*Jillian Jordan Evans, Alabama State Bar, Law Practice Management Advisor*

3:30 PM – 4:15 PM

## Building a Successful DUI Defense Practice

*Tommy Spina, Jason Neff, Joe Dean, Jeremiah Giles, Tommy Kirk, and George Flowers*



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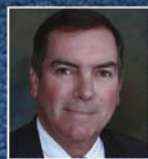
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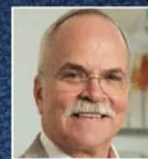
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## IMPORTANT NOTICE



## NOTICE OF AND OPPORTUNITY FOR COMMENT ON AMENDMENTS TO THE RULES OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

Pursuant to 28 U.S.C. § 2071(b), notice and opportunity for comment are hereby given regarding proposed amendments to the Rules of the United States Court of Appeals for the Eleventh Circuit. The public comment period is from Monday, Aug. 4, 2025, to Wednesday, Sept. 3, 2025.

A copy of the proposed amendments will be available beginning Monday, Aug. 4, 2025, on the court's website at <http://www.ca11.uscourts.gov/rules/proposed-revisions>. A copy may also be obtained without charge from the Office of the Clerk, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsyth St., N.W., Atlanta, Georgia 30303 (phone: 404-335-6100).

Comments on the proposed amendments may be submitted in writing to the Clerk at the above address or electronically at <http://www.ca11.uscourts.gov/rules/proposed-revisions> no later than Wednesday, Sept. 3, 2025.



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# Delivering Justice

## to the People We Serve with Integrity, Efficiency, and Respect

*By Chief Justice Sarah Stewart*

This January, I was sworn in as Chief Justice for the state of Alabama.

Under Alabama's Constitution, the Chief Justice is the administrative head of the trial court system, known as the Unified Judicial System (UJS). The Chief Justice essentially acts as the CEO of the Administrative Office of Courts (AOC), responsible for staffing AOC and overseeing education, training, hiring, retention, IT, budgeting, supplies, payroll, purchasing, and all trial court support such as family, criminal, trial court, and legal services. The Chief's administrative role with AOC takes up about 70 percent of the time versus the work as an associate justice on the Supreme Court.

With this responsibility in mind, in the months leading up to January, I went on a "listening tour," personally visiting 37 of our 41 circuits. I talked with the district court judges, circuit court judges, and circuit clerks about how they viewed our purpose as the judicial branch, what we do well, and what we need to improve. Walking into the office as Chief Justice on that Tuesday in January, we were as prepared as I knew how to be to tackle the challenges we had identified.



## OUR PURPOSE AND THE MISSION OF AOC

What is the purpose of the judicial branch? Simply put, the purpose of every justice, judge, clerk, and UJS employee is to deliver justice to the people we serve. Our mission at AOC is to do that with integrity, efficiency, and respect. I appointed the best leader I know for the director of AOC, Nathan Wilson. Mr. Wilson possesses the requisite institutional knowledge, a calm temperament, and an incredible work ethic, and he strongly believes in our purpose and mission. He is an attorney with extensive experience in the Alabama Court System. He most recently served as the Clerk of the Alabama Court of Civil Appeals.

Together, we created two new divisions at AOC: the Criminal Services Division and a Trial Court Services Division. We appointed Bennet Wright as the Director of the Criminal Services Division and Chris Colee as the Director of the Trial Court Services Division. In addition, we welcomed Stephanie Hamil as the new AOC Finance Director and Erin Dunagan as the AOC Legal Director. They joined seasoned directors Mandi Hall (Family Court), Kiesha Thomas (IT), Vonda Sanders (HR), and Wally Lowery (Judicial College). We have all worked hard these past months to build team camaraderie and a culture of service for the judges and clerks in the field.

Mr. Wilson has fully embraced the day-to-day duties as director of AOC. He and his leadership team have instituted twice-a-month directors meetings; rebuilt the budget from the ground up so that it is transparent and we are accountable for our use of state funds; instilled sound accounting policies and practices; tightened up cybersecurity protocols; worked on building a new UJIS case management system to replace the aging SJIS case management system; increased connectivity to our rural courthouses; created a human resources application and begun the transition to paperless personnel records; updated legal forms; implemented a call log system to emphasize prompt responses to the field on legal issues; provided boots-on-the-ground support for the judges and clerks in response to various crises; and worked with the judges' and clerks' associations to create a best-practices educational curriculum. They have a huge number of other projects we identified that we still need to complete to meet our mission and fulfill our purpose.

Mr. Wilson's gifted leadership has allowed me to focus on some initiatives aimed at addressing systemic needs we identified during my listening tour. Although there are several of them, I want to address the following two.

*[A]s one of our juvenile judges described, we have "a line of broken children wrapped around our courthouses, and no way to help them."*



## "A LINE OF BROKEN CHILDREN"

One of the issues that became readily apparent during my third circuit visit was the abysmally poor condition of juvenile justice throughout the state. Alabama has long struggled with its juvenile justice system. Historically, the trial courts have had to grapple with well-intentioned but misguided legislation, disinterested leadership, disassociated executive branch stakeholders, and strained funding. As a result, as one of our juvenile judges described, we have "a line of broken children wrapped around our courthouses, and no way to help them."

Our challenges are not solely in juvenile dependency or juvenile delinquency. We face daunting challenges with both types of cases, and they are very often intertwined. Juvenile offenders facing criminal justice regularly have abuse and neglect issues as well.

Family and juvenile courts, especially in rural areas of Alabama, face numerous systemic challenges that hinder meaningful juvenile offender and family participation and delay critical processes like reunification and rehabilitation. One of the most pressing issues is the lack of reliable transportation. Without public transit or dependable personal vehicles, many juvenile offenders and families are unable to attend court hearings, supervised visitations, or treatment sessions, each of which is often critical for maintaining or restoring custody or complying with trial court directives.

Equally concerning is the limited access to mental health services. Many rural communities lack qualified mental health and substance abuse providers, and families frequently cannot utilize telehealth services due to inadequate internet connectivity. This lack of access leaves mental health and addiction issues unaddressed, further entrenching young people and their families in crisis.





The goal is to develop  
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from the very first  
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with our branch (often  
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to the day we finally  
close their case.

In addition, the shortage of affordable housing and licensed childcare creates impossible choices for parents, often forcing them to choose between maintaining employment or meeting court-ordered obligations. These overlapping barriers—transportation, healthcare, mental health, housing, and childcare—compound to prevent young people and families from achieving long-term stability or complying with court directives. Ultimately, these systemic gaps create an environment where court-involved young people and families in Alabama are at a significant disadvantage, undermining both rehabilitation efforts in delinquency court and the overall goal of long-term family stability in dependency court.

Juvenile crime is escalating along with reports of abuse and neglect. In my discussions with both executive branch and legislative branch leadership, there is growing recognition that ignoring and marginalizing our young people negatively impacts the long-term well-being of our communities. Courts are uniquely positioned to lead statewide and local efforts to create safer systems and stronger families.

In my view, the judicial branch must do all that we can to keep juveniles from offending the first time, and once that first offense has happened, from behavior escalating into adult criminal activity. We also have a responsibility to help Alabama's families remain intact in a healthy and fully functioning manner.

For the judicial branch to drive the narrative on comprehensive juvenile justice reform, we put together the Juvenile Leadership Task Force made up of dedicated juvenile court judges. The task force's self-defined mission is to refine the juvenile justice system to improve outcomes for youth and families to strengthen

communities in every county in Alabama. The goal is to develop a vision for what juvenile justice should look like, from the very first interaction a juvenile has with our branch (often chronic absenteeism) to the day we finally close their case. The task force has identified other juvenile court judges interested in developing the vision and key areas to focus on to fully understand the scope.

The intent is that once we have a fully developed vision of how juvenile justice should flow and work, we will engage the executive branch stakeholders, county commissions, law enforcement, private foundations, the faith-based community, and all our community partners. In particular, the leadership of the Department of Mental Health, the Department of Human Resources, the Department of Youth Services, the Boards of Education, the District Attorneys, and Sheriffs Associations have all expressed a commitment to work together with us on this critical initiative.



## COUNTERING RECIDIVISM

Before January 2025, AOC did not have a division focused on criminal justice in the trial courts. While recognizing the need for trial court support generally, we also wanted the newly created Criminal Services Division to address ways to reduce the criminal population, particularly in our prison system.

Although the judicial branch cannot prevent adults from committing first-time offenses, we can have a significant impact in keeping offenders from committing subsequent offenses by addressing recidivism in our criminal population. Except for the few judges whose jurisdiction is limited solely to civil, domestic, or family court cases, most circuit and district court judges across the state spend about 70 percent of their time on criminal cases. Most judges would tell you that, on criminal docket days, they see the same faces repeatedly.

Roughly 95 percent of offenders in prison will eventually be released, either through parole or upon completion of their imposed sentence. The vast majority of offenders will return home to their communities, where they often fall back into the same group of “friends” engaged in the same criminal behavior that ended with a prison sentence. Historically, roughly 35 percent of offenders released from prison return to prison within three years of being released. Sending offenders to prison seems to do little to curb subsequent repeat criminal behavior.

Which leads to the question of what can be done to divert offenders from the path to prison. Specifically, what can the judicial branch do to impact the prison population and the resulting recidivism rate? Many years of research shows that using evidence-based intervention programs, the courts can address the root causes of criminal behavior and significantly impact the recidivism rate, in particular, the twin and intertwined drivers of mental health and substance addiction issues.

Alabama has long had a statewide statute authorizing the creation of drug courts. Throughout the years, however, circuit and district court judges have instituted mental health, veterans, family, and many other courts in response to growing needs in their communities. We refer to these courts collectively as “accountability courts” because our evidence-based models are designed to hold offenders accountable while addressing the root causes driving criminal behavior.

The premise of these evidence-based accountability court models is that the trial judge, along with the prosecutor, defense



lawyer and other critical team members, work to implement a treatment and rehabilitation plan designed to address not only the underlying mental health and substance abuse, but also to provide the training and skills needed to hold a job, have reliable transportation, and maintain a stable home.

A successful accountability court graduate leaves the program not only with restored health, stability, and hope, but also often with renewed relationships with their children and families. Importantly, the recidivism rate for a successful graduate of Alabama’s accountability courts is between roughly 8 percent and 15 percent. Just as significant, these individuals return to our communities as productive contributors, rather than costing taxpayers approximately \$100 per day to remain incarcerated. Our initiative started with asking the legislature to pass a statute expanding the drug court model to encompass all the other grass-roots courts, including mental health, veterans, juvenile, and family treatment courts. The legislature was resoundingly supportive, passing the bill unanimously in both houses, and the Governor quickly signed it.

At the AOC, our goal is to expand access to accountability courts so that individuals in every judicial circuit can participate. We are committed to ensuring that each court operates with a foundation of evidence-based minimum standards, providing confidence that the programs are achieving their intended outcomes. We also want to provide a blueprint for the ultimate best-practices court that every accountability court program could strive towards. Capturing reliable data is also a priority, enabling us to demonstrate the impact these courts have on reducing recidivism. And finally, we want to provide a stable financial base for each of these courts to function fully with the cost of accountability administrators, counselors, drug tests, programs, and treatment providers.

To accomplish all of this, we established an Accountability Court Leadership Task Force comprising District Attorneys, Public Defenders, treatment partners, Accountability Court administrators,





Community Correction Program directors, trial judges, and AOC leadership. In partnership with AllRise, the national organization for drug court professionals, the Accountability Court Task Force will provide a comprehensive set of policies and procedures. This effort will include minimum standards, a dynamic best practices blueprint informed by the latest research, an operations manual, and a practical “how-to” guide for judges seeking to establish an accountability court in their circuit or county for the first time. The Accountability Court Task Force held its first monthly meeting and established goals to complete within the year. After the Task Force finishes their work, AOC and experienced trial judges and administrators will educate, train, and implement the accountability court system statewide.

Once we have the accountability court program underway, we will direct our attention to the Court Referral Officer (CRO) and Court Referral Education Programs (CREP), the Community Corrections Programs, and relapse prevention for those offenders who do go to prison and are released. Our thought is to create and support a continuum of increasing consequences for increased behavior, starting with the CRO/CREP programs for low-level offenders; Accountability Courts for the high risk/high need offenders; Community Corrections Programs in lieu of imprisonment; prison when all other attempts to address the underlying issues and curb criminal behavior have failed; and finally relapse prevention for offenders who have been paroled or reached the end of their sentence.

All of our programs will succeed best with the strong relationships we are developing with our executive branch partners such as the Department of Mental Health, the Department of Corrections, the Board of Pardons and Paroles, the District Attorneys and Sheriffs, the county commissions, the Alabama Community College System, ADECA, and Workforce Development, among others. While this is a major initiative, the enthusiasm and support we have received from all these stakeholders already are inspiring.

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Workforce Development,  
among others.



## WHY THIS MATTERS

We have several other system-wide initiatives that we will address in the coming months, but you may be asking yourself, why does any of this matter? I have been speaking about the answer to this issue for the past few months, and it is the catalyst behind my systemic initiatives.

Getting the law right and understanding justice demands the best from us. Simply put, being a lawyer or a judge the right way is hard. All of us in the legal field have been grappling with immense change over the past few years. The world is still reeling from the aftershocks of the pandemic. Legal systems are adapting to new technologies, while political polarization is testing the bounds of civil discourse. The independence of our judicial system and the rule of law are undoubtedly under great stress.

Our profession doesn't just interpret the law—our profession shapes the world. The law is not just about rules, precedents, and words. Fundamentally, at its core, the law is about people. Behind every statute, every precedent, every verdict, is a human life—someone seeking justice, someone looking for hope, someone needing to be heard. And now, more than ever, the world needs lawyers and judges who lead not with ego, but with empathy. Lawyers and judges who know that the loudest voice in the room is not always the most just. Who understand that justice is not a given—it is earned, upheld, and fought for. That requires all of us to be lawyers and judges the right way, by working hard, and having courage.

The future of the law will be shaped by many forces—artificial intelligence, globalization, politics, and evolving human rights. The soul of the law, however, will be shaped by lawyers and judges.

Because of this, we must be the advocates for the voiceless, the architects of fairer policies, and the defenders of liberty when it is threatened. We must be the greatest critics of the legal system when it falls short, but must also be the drivers and leaders of change and growth. We need to use our legal knowledge not to build walls, but to build bridges. Use our skill not just to win, but to mend. Use our voices not to echo, but to lead.

Throughout the history of organized society, the judicial branches of governments have been charged with upholding the rule of law, applying it equally to the rich and the poor, the powerful and the weak. Some of the best constitutions extolling the people's rights belong to the worst, most tyrannical countries.

The difference is an independent judiciary and the rule of law. To keep the rule of law alive, to keep an independent judiciary, justice demands courage, fairness, and equality.

The judicial branch in America is the weakest by design. We don't have the power to make laws like the legislature, and we certainly don't have the power of the purse. We don't have enforcement power like the executive branch; they have the power of the sword and shield. So, what power does the judicial branch have?

All the power the judicial branch has comes from the trust, the belief, and the confidence of the people. People must believe that the outcomes in the courtroom are achieved fairly, justly, and under the rule of law. Without that belief and trust, justice will fail.

As a judge or lawyer, how we treat the people we represent; the people on the other side of our cases or tables; the people in the courtroom; or the people in all aspects of our lives – how we treat them and what they observe about us will absolutely determine whether they trust in the law and believe in justice.

Everything we work for depends on the people's trust and belief. We are the critics, the menders, the listeners, and the fighters. Systemic initiatives like these are grounded in our responsibility to grow the confidence, belief, and trust of the people we serve. And that is why it matters. ▲



**Chief Justice Sarah Stewart**, of Mobile, made history in 2024 as the first female Republican elected to lead the Alabama Supreme Court. First elected to the Court in 2018, she brought with her more than a decade of experience as a Circuit Judge in Mobile County, where she also served as the first female president of the Alabama Circuit Judges Association. A graduate of Vanderbilt Law School, she continues to be recognized for her leadership and service to Alabama's legal community.





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# ADMINISTRATION OF JUSTICE

*By Nathan Wilson, Administrative Director of Courts*

“The due administration of justice is the firmest pillar of good government.”

*—George Washington to Edmund Randolph, Sept. 28, 1789.*

These words from our first president remain as true today as they were at the founding of the nation. In Alabama, the Unified Judicial System (UJS) continues to uphold this principle by investing in the structures that support fair, efficient, and accessible justice. From modernizing technology and strengthening courthouse security to expanding access for all Alabamians and revitalizing judicial education, the Administrative Office of Courts (AOC) is working to ensure that the administration of justice remains not only firm today but future-ready. The following highlights offer a closer look at the vision of Chief

Justice Sarah Stewart and some of the major initiatives AOC is currently implementing.

## ADVANCING JUDICIAL EDUCATION THROUGH THE ALABAMA JUDICIAL COLLEGE

A cornerstone of an effective judiciary is excellence in judicial education. The Alabama Judicial College, a division of the AOC, plays a central role in advancing the professional development of all judicial officers and court personnel across



the state, including judges, clerks, court referees, judicial assistants, court specialists, magistrates, juvenile probation officers, court referral officers, and many more. The adoption of the Alabama Rules for Mandatory Judicial Education for judges has renewed focus on judicial education. Accordingly, the Alabama Judicial College will lead the development of a comprehensive, tiered curriculum designed to address the specific and intensive needs of court officials and other court professionals.

In addition to core legal and procedural training, the curriculum will increasingly emphasize practical skills, leadership development, ethics, court administration, emerging legal issues, and the responsible integration of technology into the courtroom. Courses will be delivered through a mix of in-person sessions, interactive virtual training, and on-demand elements, offering flexibility and accessibility for participants statewide.

The goal is to ensure that judicial education is not a one-time orientation with annual check-ins, but an ongoing process that empowers judges and every member of the court system to perform their duties with professionalism, integrity, and confidence. Through the revitalized mission of the Alabama Judicial College, AOC, in continued partnership with judges, circuit clerks, and other court staff, will instill a culture of continuous learning in the court system.

## MODERNIZING TECHNOLOGY

For decades, Alabama has been at the forefront of court technology, largely due to the foresight and dedication of visionary leaders within the judicial branch. Early investments in automation, case management, and electronic filing systems positioned Alabama as a national leader in the modernization of court operations. These advances were made possible by the pioneering work of information technology professionals at

AOC, as well as the collaboration and commitment of legal staff, judges, and clerks across the state. Many of these employees and officials continue to serve the judiciary and state with distinction today. Their collective efforts laid the groundwork for a more efficient and accessible court system, and their contributions continue to guide Alabama's ongoing transition into the next generation of judicial technology.

The UJS is currently undertaking a major modernization effort by transitioning from its longstanding State Judicial Information System (SJIS), a mainframe-based platform, to a new, web-based system known as the Unified Judicial Administration System (UJIS). For decades, SJIS has functioned as the central repository for case information across Alabama's trial courts. The Alacourt system—including both the subscription interface, [v2.alacourt.com](http://v2.alacourt.com), and the current document management platform, AlacourtPlus, used by trial court judges and clerks—is built around and integrated with SJIS. SJIS has served this state well. As a legacy mainframe system, however, SJIS is limited in flexibility, relies on outdated user interfaces, and presents ongoing challenges in terms of data access, system integration, and sustainability.

The transition to UJIS represents a forward-looking investment in the state's judicial infrastructure. As a secure, browser-based platform, UJIS provides an integrated system for the courts, whereas the courts currently work in multiple systems. UJIS will provide far greater accessibility to judges, clerks, court staff, and justice system partners throughout Alabama. Its web-based architecture enables more effective integration with other state and local systems, thereby enhancing coordination across agencies. In contrast to the cumbersome and often unintuitive interface of the mainframe system, UJIS will offer a more modern and user-friendly experience that streamlines court functionality. It also significantly improves the state's capacity for data reporting and analytics of

court statistics, supporting more effective case management and better resource allocation. Although the initial transition requires an investment of time and resources, the long-term benefits are substantial, particularly in terms of efficiency, usability, and cost-effectiveness.

Ultimately, the move to UJIS underscores the judiciary's commitment to modernization, transparency, and improved service to the public. AOC is currently working on the development of UJIS with its vendor, i3 Verticals, and plans to begin testing the new system in the summer of 2026.

## IMPROVING ACCESS TO JUSTICE

In this age of technology, access to justice must be meaningful and achievable.

AOC will start by undertaking a comprehensive review and update of its statewide court forms to ensure greater clarity, ease of use, accessibility, and consistency across all levels of court. Many of the existing forms were developed years ago and have become outdated due to changes in law, procedure, technology, and user needs. This effort includes revising language for plain understanding, incorporating digital-friendly formats with fillable fields, and improving usability for self-represented litigants, attorneys, clerks, and judges. A committee has been appointed that will assist with the review of existing forms and that will identify any other forms that need creation.

Additionally, AOC is actively restructuring the Language Access Program to better serve the needs of hearing-impaired and limited-English-proficient individuals. This includes developing a centralized, organized registry of certified and qualified foreign language interpreters and providing tools and guidance to judges, court personnel, and attorneys. While the existing program has long needed attention, this renewed effort reflects our commitment to ensuring meaningful participation in court proceedings



for all individuals, regardless of their language proficiency. As part of this commitment, AOC will hire a dedicated program coordinator to oversee and advance these efforts.

## COMMUNICATING WITH THE PUBLIC

Effective communication is essential to building and maintaining public confidence in the judiciary. To achieve this goal, the AOC is taking significant steps to modernize how we share information, data, and resources with the people of Alabama. A central component of this effort is the ongoing revamp of the AOC website, which is being redesigned to be more user-friendly, informative, and accessible to a broad audience, including judges, attorneys, court staff, policymakers, and members of the public.

In addition to improved navigation, updated content, and a more intuitive design, the updated website will provide expanded access to timely court statistics and operational data. These public-facing reports will enable users to better understand the volume and types of cases handled by Alabama's courts, observe statewide trends, and evaluate system performance. By increasing transparency and promoting data-informed insights into court activity, the judiciary aims to foster greater public trust, accountability, and engagement.

## IMPROVING SECURITY

The safety and security of Alabama's courts, both physical and digital, remain a top priority. Recognizing that a secure environment is essential to the fair and uninterrupted administration of justice, the AOC is actively implementing measures to protect judges, clerks, attorneys, litigants, and the public who work in or interact with the court system. This effort includes the hiring of a dedicated security professional at AOC to serve as a resource for local courts, providing on-site assessments, guidance on best practices, and

expert advice on enhancing courthouse safety. Chief Justice Stewart also plans to work with the Alabama Legislature to fund court resource officers, who, if the funding materializes, will serve as security personnel for the trial courts.

At the same time, as courts become increasingly reliant on technology, cybersecurity has emerged as a critical component of judicial security. AOC is taking efforts to safeguard sensitive judicial data, protect user accounts, and preserve the integrity of court operations in the face of evolving cyber threats.

By taking a proactive and layered approach to both physical and digital security, Alabama's courts are working to ensure that all participants, whether entering a courthouse or logging in remotely, can do so in a safe and trusted environment.

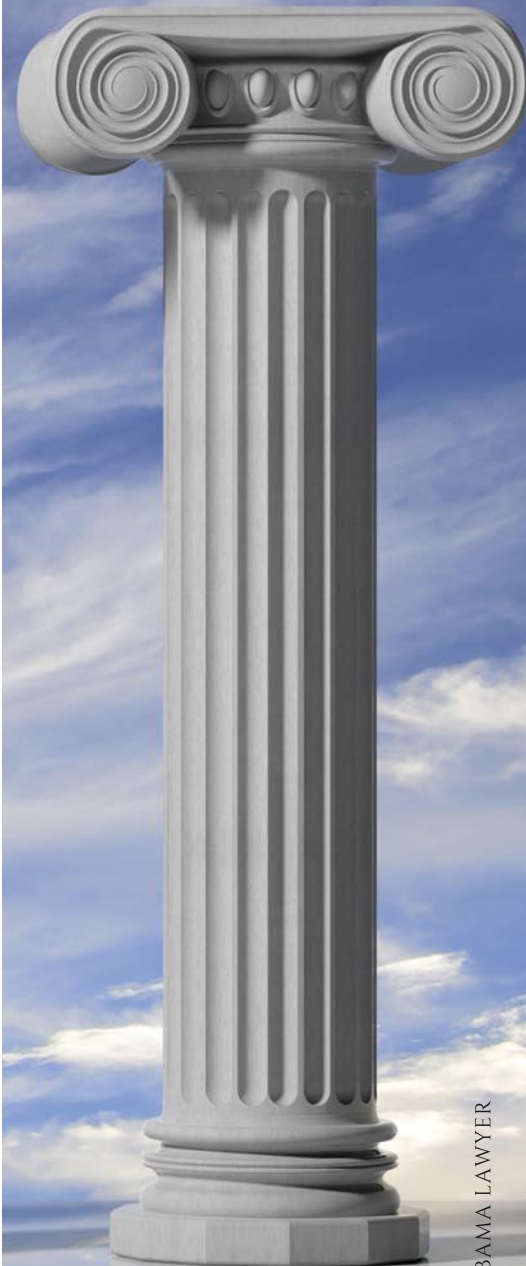
## SUMMATION

The initiatives outlined above represent just a few of the significant efforts the AOC has undertaken since January 2025. In a companion article in this edition of *The Alabama Lawyer*, Chief Justice Sarah Stewart affirms that AOC's mission under her leadership is to ensure that Alabama's courts deliver justice with integrity, efficiency, and respect. These core values are not only central to our work, but also the foundation of public trust in the judicial system. These initiatives, along with others AOC has already undertaken and will undertake in the future, reflect our unwavering commitment to upholding those principles in every corner of the Unified Judicial System. ▲



**Nathan P. Wilson** was appointed Administrative Director of Courts for the State of Alabama by Chief Justice Sarah H. Stewart in January 2025. A Mobile native, he earned his B.A. in history from Birmingham-Southern College and his J.D. from the University of Memphis Cecil C. Humphreys School of Law. Wilson has held numerous roles within Alabama's judicial system, including clerk of the Alabama Court of Civil Appeals, senior staff attorney for multiple appellate judges, and assistant administrative director of courts.

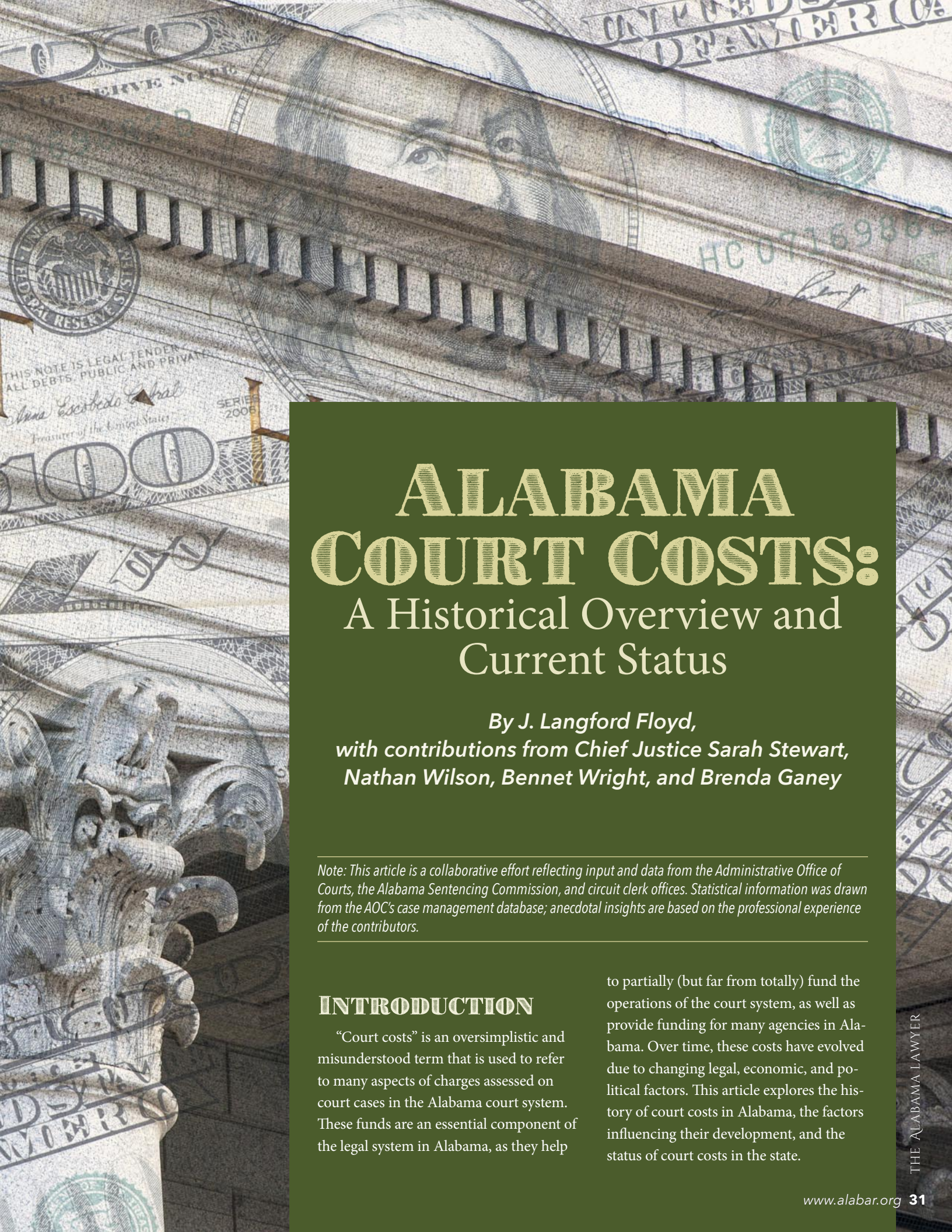
**These initiatives, along with others AOC has already undertaken and will undertake in the future, reflect our unwavering commitment to upholding those principles in every corner of the Unified Judicial System.**











# ALABAMA COURT COSTS: A Historical Overview and Current Status

*By J. Langford Floyd,  
with contributions from Chief Justice Sarah Stewart,  
Nathan Wilson, Bennet Wright, and Brenda Ganey*

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*Note: This article is a collaborative effort reflecting input and data from the Administrative Office of Courts, the Alabama Sentencing Commission, and circuit clerk offices. Statistical information was drawn from the AOC's case management database; anecdotal insights are based on the professional experience of the contributors.*

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## INTRODUCTION

“Court costs” is an oversimplistic and misunderstood term that is used to refer to many aspects of charges assessed on court cases in the Alabama court system. These funds are an essential component of the legal system in Alabama, as they help

to partially (but far from totally) fund the operations of the court system, as well as provide funding for many agencies in Alabama. Over time, these costs have evolved due to changing legal, economic, and political factors. This article explores the history of court costs in Alabama, the factors influencing their development, and the status of court costs in the state.





## HISTORICAL BACKGROUND

Alabama's court system, like that in many other states, has historically relied on court fees and fines as a source of funding the operations of the court system. Court costs are assessed on individuals and entities who engage with the court system in civil, criminal, domestic, and juvenile cases.

It is important to understand that court costs include many different charges depending on the type of case and location. Costs are assessed as initial filing fees in civil matters, including domestic relations, circuit and district court, and small claims actions. Court costs are also imposed at the end of court cases in criminal cases, traffic cases, and juvenile matters, both delinquency and dependency proceedings, as well as child support enforcement. Each of these types of cases has a separate and distinct fee schedule based on the type of case and the circuit or county.

In the early years, Alabama's court costs were relatively minimal and largely aimed at sustaining the operations of the court. The term "court costs" is not limited to courtroom proceedings but also includes filing costs, fines, assessments, and fees for the administration of a court matter, whether the case ultimately goes to trial or not. Court costs originally covered basic administrative needs, such as clerical staff salaries and the maintenance of courtrooms, and were set at a fixed rate and were uniform across the local circuits.

In recent decades, Alabama's growing population has increased the workload of courts, and the complexity of the court system has increased, resulting in the expansion of court costs and a lack of uniformity across the State.

A trend began to develop of adding additional fees for various aspects of court procedures, such as filing motions, subpoenas, and appeals. Additionally, specialized courts—such as family courts and juvenile courts—developed individual and unique cost structures. These additional costs and fees were added to help fund agencies involved in court proceedings, including probation services, testing, and treatment services, among others.

## THE RISE OF COURT COSTS IN THE MODERN ERA

As the state grew in both population and economic complexity, the scope of the court system expanded as well. This growth came with increased demands on resources and the need for a more creative system of funding programs that the State could

not maintain. Therefore, a significant shift occurred beginning in the 1980s and 1990s, when programs and agencies in Alabama began implementing new revenue-generating sources utilizing the court system. The trend was to rely more heavily on fees, fines, and surcharges to support not just court operations, but many other programs related, and sometimes unrelated, to the courts.

The Alabama legislature passed a series of reforms that substantially raised court costs and fees. These reforms aimed to cover the increasing costs of the court system, such as the expansion of services, the introduction of new technology, and the need to address the rising number of criminal cases. However, these costs and fees also addressed the increased funding needs for law enforcement and training, county services, court monitoring programs, etc. This marked a shift toward more complex, multi-tiered fee structures, including the introduction of costs and fees for local

matters such as district attorney offices, sheriffs' offices, county funding for jails, and other programs specific to counties.

Then, in the 1990s, the introduction of specific "user fees" for individuals who used certain court services was introduced. For example, individuals filing civil lawsuits requesting jury trials, the filing of certain dispositive motions, and other fees were added to the court costs assessed. Many of the fees were also in the form of fines and assessments on convicted criminal defendants based on the nature of the charge. For example, a DUI conviction now includes additional "assessments" for head injury and criminal history fees, as well as higher fines for first, second, third, and fourth offenses. Many drug-related cases include substantial fines. A conviction for possession of a controlled substance includes an

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additional fine in the amount of sixty dollars (\$60), while a conviction of trafficking carries an additional fine of six hundred dollars (\$600). A felony conviction for Unlawful Possession of Marijuana includes a fine in the amount of up to \$15,000. These fines or fees were also increasingly used to fund court-related programs, such as drug treatment courts, diversion programs, probation services, and to fund representation of indigent criminal defendants. As well-intentioned as these additional assessments appeared on the surface, the recognition of the people or entities responsible for paying these additional fees and assessments was overlooked. As court costs rose, so too did the financial burden on those who found themselves involved in legal proceedings. Many individuals, especially those facing criminal charges, struggled to pay these fees. While civil filings are collected at nearly 100 percent, criminal case collections are substantially lower. The collection rate on criminal cases is approximately 15-20 percent. The answer of just “have the user pay” – i.e., the criminal defendant – is not always that easy. Most criminal defendants are from lower socioeconomic levels in society. Therefore, the ability of these defendants to pay court costs is simply not a reality. Additionally, if the defendant is also sentenced to incarceration, he/she no longer has a job to provide for the payments. So, the fines, fees, and assessments remain unpaid until released, which could be years later. After release, the defendant must then find a job with a salary substantial enough to repay pending court costs. Therefore, funding the system for the criminal defendant is not a viable and sustainable option.

## THE RISE OF COURT COSTS IN THE MODERN ERA

The rise in court costs in Alabama has led to significant concerns regarding access to justice, particularly for low-income individuals. The criminal defendant, if indigent, receives some assistance. First, the court cost is not assessed unless convicted. Additionally, many times he/she receives a court-appointed lawyer, paid for by the State.

However, for the civil litigant, this issue has led to the growing recognition that excessive court costs can create a barrier to justice.

In the 2000s, advocacy groups began to push for reforms that would alleviate the financial burden on low-income residents of Alabama. These reforms centered on ensuring that court costs did not infringe upon an individual's right to fair and equal treatment under the law. In 2013, the Alabama Access to Justice Commission

was formed to focus on improving access to legal services for low-income residents. One of the key areas of focus was addressing the fairness of court costs and related fees. This issue continues to remain an impediment today for those low-income individuals faced with the requirement to pay fees before a lawsuit is filed.

## CURRENT STATUS OF COURT COSTS IN ALABAMA

The recent trend of raising fines and fees to increase state and local funding and revenues has led to concerns that court costs have become more of a revenue-generating tool rather than a means to fairly fund the administration of justice. This growing concern has led to discussions about a more balanced approach to funding the court system. The Legislature, in the 2025 session, passed a Joint Resolution establishing the Joint Interim Study Commission on Court Costs, noting that court costs are inconsistent throughout the state, and a simple, standardized, and transparent set of court costs would benefit the state and the populace.<sup>1</sup> The purpose of this commission, made up of many stakeholders, including legislators, lawyers, judges, circuit clerks, district attorneys, and county representatives, is to study the complexity of court costs and make recommendations establishing increased uniformity throughout the state.

Today, Alabama's court costs system remains multi-faceted, with a wide array of fees applied, depending on the type of case, the circumstances of the case, and the circuit in which the case resides. Because the overall cost structure is determined by both statewide and local statutes, fees can vary significantly, depending on the jurisdiction.

## TYPES OF COURT COSTS

**Filing Fees:** In civil cases, individuals must pay a fee to initiate a lawsuit. This fee is based on the nature of the case and can range from a few dollars to several hundred dollars, depending on the complexity of the matter. Additional charges or fees may apply depending on whether the case is in district or circuit court, the number of defendants, service of process fees, if a jury trial is requested, and what motions are filed in the case.

**Criminal Court Costs:** In criminal cases, court costs are assessed to the defendant, if convicted. These fees are generally more expensive than civil fees and include charges for the court services, a bail bond fee, a solicitor fee, probation fees, the costs of the prosecution, subpoenas issued, mandatory fines, and many times collection fees





are added. Depending on the severity of the crime, these fees can quickly become significant. Mandated fines and court ordered restitution may also be assessed on the defendant.

**Jury Fees:** Individuals requesting a jury trial may also be required to pay a jury fee upon initiating the case. Upon completion, the costs of the jury may be assessed against the losing party to cover the per diem costs of the jurors and any mileage paid.

**Special Charges/Fees/Assessments:** Certain legal actions, mostly in criminal cases, are subject to additional charges, such as fees for drug testing, community supervision, or pre-trial intervention monitoring. These additional costs often fund specific programs, such as treatment or victims' services.

The above paragraphs contain a very brief overview of court costs, as a discussion of the entire myriads of costs, fines, fees, and assessments would require an additional article to adequately discuss the subject.

## RECENT REFORMS AND CHALLENGES

In recent years, the Alabama court system has taken steps to address the negative impact that high court costs can have on low-income individuals. One of the key reforms in this area was the decision to allow individuals to apply for waivers or reductions of certain court fees if an inability to pay can be proven. However, critics argue that the system is still too punitive, especially for those who find themselves unable to afford both legal representation and the associated fees. Conversely, if those fees are waived, a heavier burden will be placed on similar cases and parties as the cost of the waived cases must be absorbed by those other cases. This is a topic hopefully to be addressed by the Study Commission.

An additional reform under consideration is to address the multiple requests for local assessments presented to the legislature each session. To assist with local funding shortages, local legislative delegations frequently propose adding an assessment to their local circuit court costs. On the surface, this would seem to be harmless, as those fees are only assessed and collected within that local jurisdiction. However, these fees vary from \$10 to \$100 per case, depending on the local request. This leads to a disparity as to the "court costs" charged in similar cases, depending on the circuit in which the case is filed. For example, a divorce in one circuit may cost \$220, but in another circuit, it may be as much as \$324, depending on the local assessments. The

rationale, reasonable in theory, is that the costs are being placed on those that use the system rather than on the entire taxpayer base of the state. Unfortunately, in practice, sometimes it is the civil court that is paying additional fees to support the district attorney's office or the local county for the maintenance of the jail. In a perfect world, it would be the criminal case that would provide that funding, but as stated earlier, it is the criminal defendant that is at the lowest end of the economic spectrum, and, therefore, the least likely to have the ability to pay.

Additionally, the more economically prosperous areas of the state generally reap a higher benefit from court costs, as there is a higher likelihood of collectability when compared to those regions of the state which contain lower economic areas. Standardizing the basic court costs across the state might benefit all.

## CONCLUSION

The history of court costs in Alabama reflects broader trends in the state's legal and economic development. From humble beginnings, court costs have grown to become a significant factor in the functioning of the state's financial outlook. While these costs help fund the judicial system, they also present ongoing challenges, particularly for low-income residents. As Alabama continues to grapple with the balance between funding the court system and ensuring fair access to justice, court cost reforms will likely continue to be an area of focus for lawmakers, legal professionals, and advocacy groups alike. ▲

## ENDNOTES

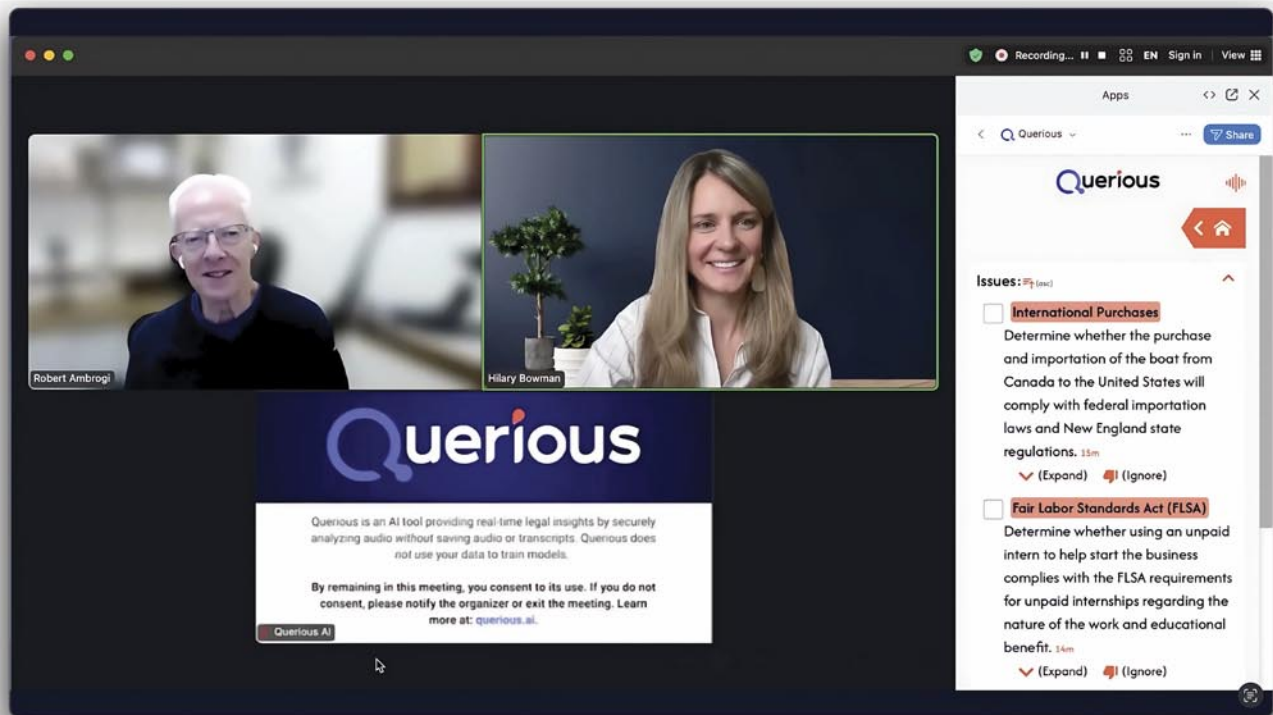
1. See Alabama Act 2025-244, a joint resolution passed by the Alabama Legislature during the 2025 session.



**Judge J. Langford Floyd** (ret.) served 20 years as a district and circuit judge in Baldwin County before retiring in 2016 to focus on mediation and arbitration. He now manages a statewide mediation practice from Fairhope and previously chaired the Chief Justice's Court Technology Commission during the launch of Alacourt and Alafile. A graduate of Troy University and Cumberland School of Law, he is also a retired Army Reserve lieutenant colonel.



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*Sonya Clemmons,  
Judge John Graham, and  
ASB Executive Director  
Terri Lovell participate in a  
Pictures of Hope art  
class in Scottsboro*



# *A Courtroom Canvas*

## Painting the Future of Justice in Alabama

*By Melissa Warnke*



*Judge John Graham*

**W**hen Judge John Graham first learned in 2007 that Jackson County would start a drug court, he wasn't thrilled.

"I told Chief Justice Sue Bell Cobb we weren't going to do that," he recalled. "She patted me on the hand like a petulant child and said, 'Thank you, John, for agreeing to start a Drug Court in Jackson County. With you in charge, it's going to be wonderful, and you will find that it might become the most rewarding thing you have done in your career.'"

That long stare-down between the new circuit judge and Alabama's first female chief justice became a turning point in Graham's

career and, ultimately, in the lives of hundreds of families in Jackson County.

"I tucked my tail and went back to Jackson County, grumping all the way," he said. But what began with skepticism in 2007 quickly became something far more meaningful. "In the end, it did prove to be the most rewarding endeavor of my legal career."

### *More than a courtroom*

Over the next 17 years, Jackson County's Drug Court helped more than 300 participants graduate and rebuild their lives. Perhaps even more significant was its impact on families: as Judge Graham emphasized, "More than 300 minor children were reunited with their parents, instead of growing up in foster care or state custody."





The ripple effects extended beyond family reunification. By avoiding incarceration, participants not only found recovery and stability, but also helped save the state in prison housing costs.

### *Art as a lifeline*

One of the most distinctive parts of Judge Graham's Drug Court program came not from a legal innovation, but a creative one. In 2015, artist Sonya Clemmons, known affectionately as the "Artlady," approached Judge Graham with an idea after attending a Drug Court graduation.

"She said, 'I'd like to do something to help people in Drug Court,'" he recalled. "At first, I brushed her off. But on the first business day in January, there she was. She followed through."

What started as an art program just for the children of Drug Court participants quickly evolved into something more. Participants without children were asking to join.

"They needed that creative outlet just as much as the kids did," Graham said. "It helped build rapport and gave people a reason to smile. It was fun, and they needed that."

The program, called *Pictures of Hope*, became a model for similar efforts across the country. It was even recognized by the National Association of Drug Court Professionals and featured in public displays like the Huntsville International Airport.

### *A lasting legacy*

In Dec. 2024, Judge Graham transitioned leadership of Jackson County's Drug Court to Judge Brent Benson, while continuing to serve as the county's Presiding Circuit Judge. His nearly two decades of leading the program left a lasting mark on the local community and reflected the wider value of drug courts and accountability programs throughout the state. Today, dozens of drug courts, mental health courts, family wellness courts, and veterans' treatment courts operate in counties large and small, demonstrating the growing reach of accountability-focused justice in Alabama.

In the most recent legislative session, Alabama lawmakers passed legislation introduced as Senate Bill 200 and House Bill 360 to unify these courts under the umbrella of Accountability Courts. The legislation was championed by Chief Justice Sarah Stewart and signed into law by Governor Kay Ivey, with both Stewart and Judge Graham present at the signing alongside other judicial and legislative leaders involved in its passage.

Judge Graham sees the move as a natural progression.

"What we do in Drug Court isn't just about one person getting sober," he said. "It is about rebuilding families and reconnecting parents with their children. And

if we can multiply that impact across the state, then we've really done something."

### *A model for the state*

The success of Jackson County's program is just one example of how these courts are reshaping justice in Alabama. While Judge Graham's work highlights the power of local leadership, the long-term promise lies in the expanding system of accountability-based programs now in place across the state.

These courts aim to reduce recidivism, lower incarceration costs, and, most importantly, restore families and support long-term recovery. With recent legislation consolidating them under a single statewide structure, Alabama is moving toward a justice model centered on treatment, reintegration, and stability.

As this work continues, the goal remains clear: not just to streamline the justice process, but to change lives. As Judge Graham put it, "That's the most important thing we've done to strengthen our community and thereby strengthen our state—making it a better place for everyone to live, work, prosper, and raise a family." ▲



Melissa Warnke is managing editor of *The Alabama Lawyer* and the Director of Communications for the Alabama State Bar.







# ALABAMA LAWYERS

## *Hall of Fame Ceremony*

May 2, 2025

**By Samuel A. Rumore, Jr.**  
*Chair, Alabama Lawyers Hall of Fame Selection Committee*

**T**he year 2025 marks the 21<sup>st</sup> annual induction ceremony of the Alabama Lawyers Hall of Fame. With the addition of five new members, we will have honored exactly 100 distinguished attorneys — a tremendous milestone in the history of our profession.

In the Hall of Fame's early years, four lawyers were inducted annually. However, in response to a growing number of outstanding nominations, the number of inductees increased to five each year. Each nominee must have been deceased for at least two years at the time of their nomination, and at least one inductee each year must have been deceased for 100 years or more. This ensures a thoughtful balance, honoring both recent trailblazers and early pioneers who laid the foundation for Alabama's legal community.

Consider this: among the thousands of lawyers who have practiced in Alabama over the past 200 years, these 100 individuals have been selected as exemplary representatives of our legal tradition. Their stories are both inspiring and enduring.

Each inductee has been recognized for a career marked by distinction, defined through a range of attributes including leadership, service, mentorship, political courage, and professional success. The following are representative criteria for selection:

1. A record of extraordinary skill in the practice of law and service to the Bar
2. Status as an Alabama lawyer whose work made significant contributions at the state, national, or international level



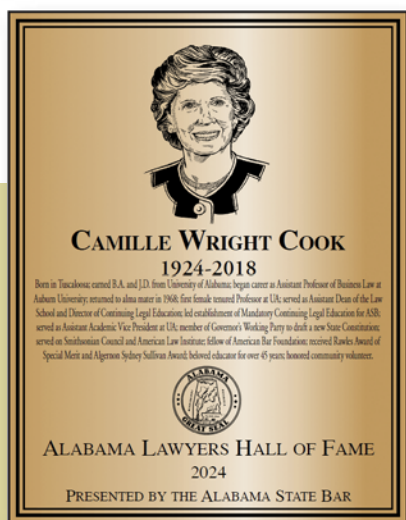
3. A breadth of achievement across a lifetime, not just a single accomplishment
4. A deep and abiding respect for professional ethics
5. A leadership role in advancing the well-being of their community
6. The ability to mentor, inspire, and lead others in the pursuit of justice
7. A demonstrated lifetime of service

Over the years, we have honored men and women, members of the United

States Supreme Court and the Supreme Court of Alabama, judges at every level of the judiciary — appellate and trial, federal and state — military heroes, public servants, legal scholars, and elected officials. Past inductees include a Clerk and Reporter of Decisions of the Alabama Supreme Court, Assistant U.S. Attorneys, Governors, Senators, Congressmen, Mayors, City Council members, an Ambassador, multiple Speakers of the Alabama Legislature, a Speaker of the United

States House of Representatives, and even a Vice President of the United States.

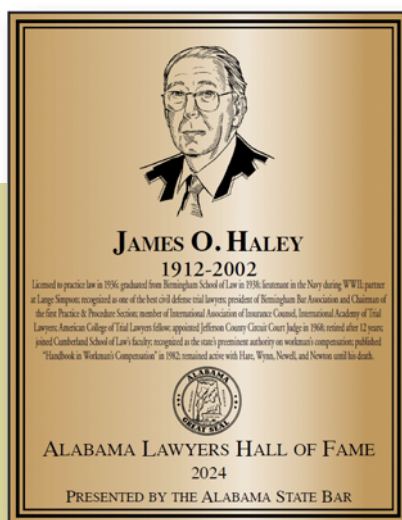
Yet the most common thread among our inductees is perhaps the most foundational: they were lawyers who devoted their lives to private practice. These individuals were mentors, advocates, leaders, and, in many ways, heroes. Their legacy is preserved in bronze plaques displayed in the lower rotunda of the Heflin-Torbert Judicial Building, where together they form an inspiring collection of excellence.



### Camille Wright Cook

1924-2018

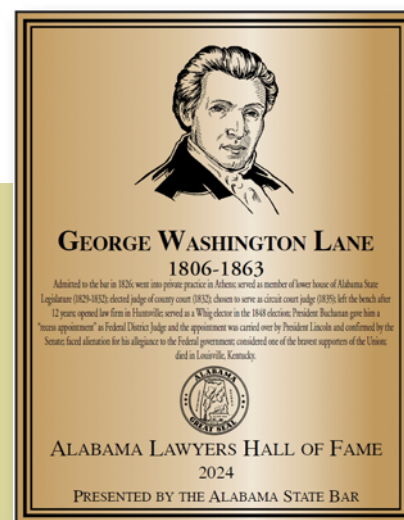
Born in Tuscaloosa; earned B.A. and J.D. from University of Alabama; began career as Assistant Professor of Business Law at Auburn University; returned to alma mater in 1968; first female tenured Professor at UA; served as Assistant Dean of the Law School and Director of Continuing Legal Education; led establishment of Mandatory Continuing Legal Education for ASB; served as Assistant Academic Vice President at UA; member of Governor's Working Party to draft a new State Constitution; served on Smithsonian Council and American Law Institute; fellow of American Bar Foundation; received Rawles Award of Special Merit and Algernon Sydney Sullivan Award; beloved educator for over 45 years; honored community volunteer.



### James O. Haley

1912-2002

Licensed to practice law in 1936; graduated from Birmingham School of Law in 1938; lieutenant in the Navy during WWII; partner at Lange Simpson; recognized as one of the best civil defense trial lawyers; president of Birmingham Bar Association and Chairman of the first Practice & Procedure Section; member of International Association of Insurance Counsel, International Academy of Trial Lawyers; American College of Trial Lawyers fellow; appointed Jefferson County Circuit Court Judge in 1968; retired after 12 years; joined Cumberland School of Law's faculty; recognized as the state's preeminent authority on workman's compensation; published "Handbook in Workman's Compensation" in 1982; remained active with Hare, Wynn, Newell, and Newton until his death.



### George Washington Lane

1806-1863

Admitted to the bar in 1826; went into private practice in Athens; served as member of lower house of Alabama State Legislature (1829-1832); elected judge of county court (1832); chosen to serve as circuit court judge (1835); left the bench after 12 years; opened law firm in Huntsville; served as a Whig elector in the 1848 election; President Buchanan gave him a "recess appointment" as Federal District Judge and the appointment was carried over by President Lincoln and confirmed by the Senate; faced alienation for his allegiance to the Federal government; considered one of the bravest supporters of the Union; died in Louisville, Kentucky.



The Alabama Lawyers Hall of Fame Selection Committee consists of twelve members:

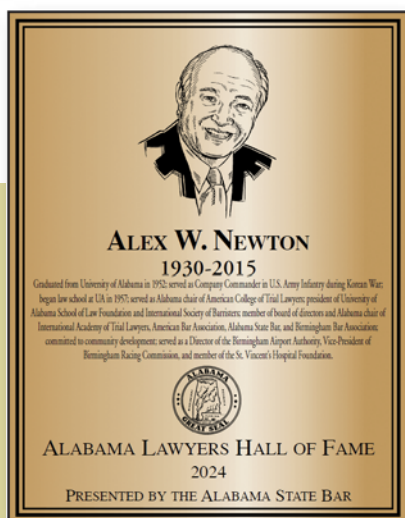
- >> The Director of the Alabama Department of Archives and History
- >> Four individuals appointed by the Board of Bar Commissioners for a term of three years
- >> The Immediate Past President of the Alabama State Bar
- >> The Executive Secretary of the Alabama State Bar or his/her designate

- >> One member nominated by the Chief Justice of the Alabama Supreme Court
- >> One member nominated by each of the three presiding judges of Alabama's U.S. District Courts (each for a term of three years)
- >> A representative of the Alabama Bench and Bar Historical Society

I encourage all members of the legal community to consider nominating a deserving attorney for this honor. Nomination

forms and instructions can be found on the Alabama State Bar website. As I remind our members each year: no matter how great their contributions, no lawyer can be considered unless someone first takes the time to nominate them.

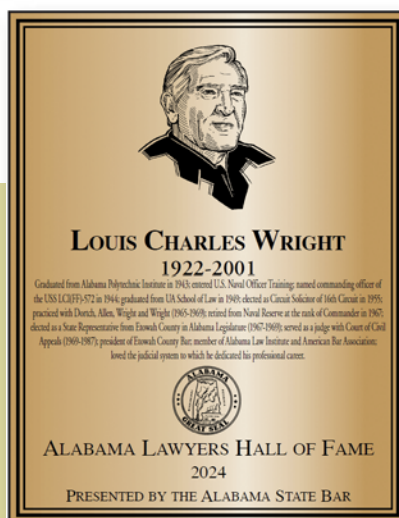
Below are the five inductees to the Alabama Lawyers Hall of Fame for 2025. We hope that their lives and careers will continue to inspire current and future generations of Alabama lawyers. ▲



## Alex W. Newton

1930-2015

Graduated from University of Alabama in 1952; served as Company Commander in U.S. Army Infantry during Korean War; began law school at UA in 1957; served as Alabama chair of American College of Trial Lawyers; president of University of Alabama School of Law Foundation and International Society of Barristers; member of board of directors and Alabama chair of International Academy of Trial Lawyers, American Bar Association, Alabama State Bar, and Birmingham Bar Association; committed to community development; served as a Director of the Birmingham Airport Authority, Vice-President of Birmingham Racing Commission, and member of the St. Vincent's Hospital Foundation.



## Louis Charles Wright

1922-2001

Graduated from Alabama Polytechnic Institute in 1943; entered U.S. Naval Officer Training; named commanding officer of the USS LCI(FF)-572 in 1944; graduated from UA School of Law in 1949; elected as Circuit Solicitor of 16th Circuit in 1955; practiced with Dortch, Allen, Wright and Wright (1965-1969); retired from Naval Reserve at the rank of Commander in 1967; elected as a State Representative from Etowah County in Alabama Legislature (1967-1969); served as a judge with Court of Civil Appeals (1969-1987); president of Etowah County Bar; member of Alabama Law Institute and American Bar Association; loved the judicial system to which he dedicated his professional career.



# ALABAMA LAWYERS HALL OF FAME CEREMONY





# ALABAMA LAWYERS HALL OF FAME CEREMONY





# ALABAMA LAWYERS HALL OF FAME CEREMONY





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Bar Briefs celebrates member achievements, accolades, and honors. We look forward to celebrating the accomplishments and good news of our members in this section!

### Marc James Ayers

**Marc James Ayers**, a partner at Bradley Arant Boult Cummings LLP in Birmingham, has been elected as a Fellow of the American Bar Foundation, an honor limited to 1% of licensed attorneys in each jurisdiction. Ayers is an accomplished appellate lawyer who represents clients in state and federal courts nationwide, including the U.S. Supreme Court. He is board certified in appellate practice and a Fellow of the American Academy of Appellate Lawyers.



*Ayers*

### Fournier J. "Boots" Gale III

**Fournier J. "Boots" Gale III**, of counsel at Maynard Nexsen PC and a former president of the Alabama State Bar, will be inducted into the Alabama Business Hall of Fame as part of the Class of 2025. A founding leader of Maynard Nexsen, Gale also served as general counsel and senior executive vice president at Regions Financial Corporation. His distinguished



*Gale*



career includes service on numerous legal and business boards, leadership in higher education and judicial oversight, and continued involvement with the University of Alabama School of Law.

## Sarah Green

**Sarah Green**, Senior Managing Associate at Dentons Sirote in Alabama, has been named a 2025-2026 John S. Nolan Fellow by the ABA Section of Taxation. This prestigious honor recognizes young tax attorneys for exceptional leadership and service. Green represents clients in all phases of federal and state tax disputes, including audits, appeals, litigation, and criminal tax matters. She also serves as Vice Chair of

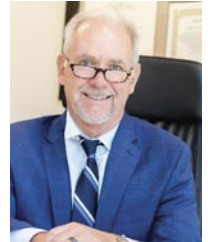


*Green*

the ABA Tax Section's Standards of Tax Practice Committee and is active in the Alabama State Bar's Tax Section.

## Robert Waylon Thompson

**Robert Waylon Thompson** has been elected President of the Florida Justice Association for 2025-2026. Thompson is a founding partner of Manuel & Thompson, P.A. in Panama City, Florida, and focuses his practice on personal injury, wrongful death, insurance disputes, and civil litigation. He is admitted to practice in Alabama, Florida, Georgia, and several federal courts, and also serves as General Counsel for the Bay County Sheriff's Office. ▲



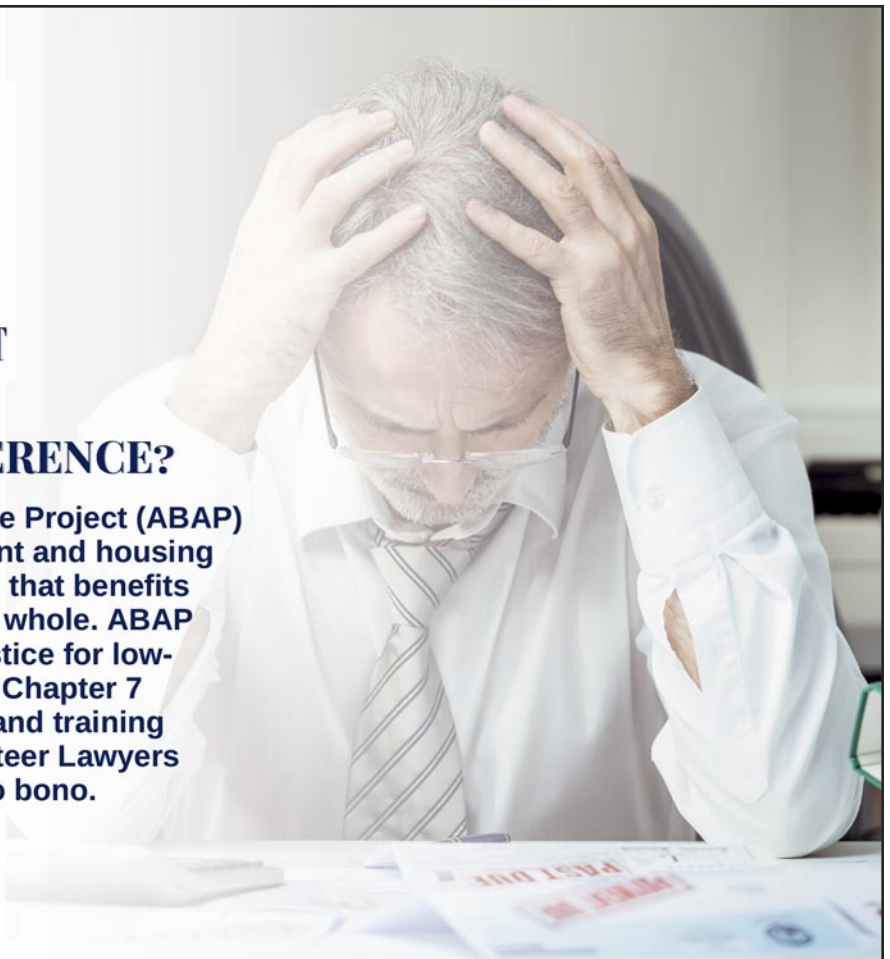
*Thompson*



## WANT TO MAKE A DIFFERENCE?

The Alabama Bankruptcy Assistance Project (ABAP) helps remove barriers to employment and housing by providing bankruptcy assistance that benefits individuals and the community as a whole. ABAP works to ensure equal access to justice for low-income individuals who need to file Chapter 7 bankruptcies, while also recruiting and training attorneys through the state's Volunteer Lawyers Programs to handle these cases pro bono.

**(205) 774-6308**







## Honoring Ted Stuckenschneider: Mentor, Advocate, and Friend

By: Bradford W. Botes, Sr.

It is with heavy hearts that we announce the unexpected passing of James Theodore "Ted" Stuckenschneider II, a cherished friend, esteemed colleague, and cornerstone of Alabama's consumer bankruptcy community. Ted left us on February 4, 2025, at the age of seventy-six.

For over four decades, Ted was a beacon of hope for countless individuals navigating the complexities of bankruptcy law, providing exceptional guidance characterized by skill, empathy, and profound respect for his clients. His practice in Birmingham's historic Frank Nelson Building was not merely a law office but a sanctuary where distressed clients regained financial relief and dignity. Beyond his unparalleled dedication to his clients, Ted devoted considerable time to mentoring new generations of bankruptcy attorneys. His role as a long-standing professor at the Birmingham School of Law allowed

him to shape numerous legal careers, emphasizing both expert legal practice and unwavering ethical standards.

Ted's accomplishments in the legal profession were widely recognized. He earned accolades as a Best Lawyer



*Stuckenschneider*

in America and an Alabama Super Lawyer from 2009 to 2021, maintained an AV Martindale-Hubbell rating for over twenty years, and was honored as the 2019 Lawyer of the Year in Litigation – Bankruptcy for Birmingham. Yet, beyond his distinguished professional honors, Ted will be remembered by colleagues and friends alike for his genuine warmth, infectious enthusiasm, and deep humanity.

An avid outdoorsman, Ted was enthusiastic about duck hunting and fishing. His renowned annual Duck-Out event at Inverness Country Club

became a cherished tradition, cultivating camaraderie and lasting friendships among his fellow attorneys and friends. He further enriched his community through his founding of The Inverness Wine Club, an expression of his love for good food, fine wine, and meaningful fellowship. Ted and his wife of 43 years, Dana, were devoted members of Valley Christian Church and staunch advocates for preserving



Lake Heather, embodying their deep commitment to community stewardship.

Ted possessed a remarkable gift for connecting deeply with people from all walks of life, enhancing each encounter with grace, humor, and sincerity. His enduring legacy lives within those he mentored, represented, and befriended. In recognition of Ted's lasting impact, the

family has established the Ted Stuckenschneider Scholarship Fund at Birmingham School of Law. Contributions to this fund, in lieu of flowers, will honor Ted's passion for legal education and ensure his influence continues to inspire future generations. While we profoundly mourn Ted's passing, we remain grateful for the enduring example and the countless memories he leaves behind. ▲

A tribute article is being prepared to honor former longtime Alabama Law School **Dean Nat Hansford**, who passed away earlier this year. If you have a special story or fond memory of Dean Hansford that you would like to share, please forward these to either Pat Graves at [pgraves@bradley.com](mailto:pgraves@bradley.com) or Harold Stephens at [hstephens@bradley.com](mailto:hstephens@bradley.com).

**Keith Edward Brashier**  
Birmingham  
Died: June 22, 2025  
Admitted: Sept. 28, 2001

**Hon. David Joe Breland**  
Decatur  
Died: April 30, 2025  
Admitted: April 28, 1978

**Megan Campbell Carpenter**  
Talladega  
Died: May 23, 2025  
Admitted: April 25, 2008

**James Richard Clifton**  
Andalusia  
Died: June 10, 2025  
Admitted: Nov. 15, 1974

**Jonanna Owings Cole**  
Huntsville  
Died: June 5, 2025  
Admitted: Sept. 30, 1994

**Arthur Edward Elsner**  
Millbrook  
Died: May 29, 2025  
Admitted: May 1, 1985

**Robert Paul Fann**  
Birmingham  
Died: April 7, 2025  
Admitted: Sept. 27, 1985

**Samuel Hugh Frazier**  
Birmingham  
Died: May 12, 2025  
Admitted: Nov. 15, 1974

**Robert Clemons Graham**  
Tuscumbia  
Died: May 15, 2025  
Admitted: Sept. 27, 1996

**Robert Wellington "Squire" Gwin Jr.**  
Birmingham  
Died: July 19, 2025  
Admitted: Sept. 16, 1968

**Mickey Lamarr Johnson**  
Pelham  
Died: Feb. 21, 2025  
Admitted: April 10, 1975

**Charles Joseph Kelley**  
Muscle Shoals  
Died: May 10, 2025  
Admitted: Sept. 26, 1988

**Chase Robert Laurendine**  
Mobile  
Died: July 12, 2025  
Admitted: Sept. 16, 1968

**Julian Lenwood McPhillips, Jr.**  
Montgomery  
Died: April 12, 2025  
Admitted: April 10, 1975

**Michael Lyndon McKerley**  
Birmingham  
Died: May 15, 2025  
Admitted: Sept. 27, 1985

**Phyllis Feaster Parker**  
Camp Hill  
Died: May 7, 2025  
Admitted: April 30, 1990

**Lisa Carole Robinson**  
Birmingham  
Died: April 7, 2025  
Admitted: Sept. 30, 1991

**Charles Averett Stakely, III**  
Montgomery  
Died: June 10, 2025  
Admitted: Jan. 1, 1960

**Charles Raymond Waits, III**  
Jasper  
Died: July 15, 2025  
Admitted: Sept. 30, 2004

**James Edward Walker, III**  
Valley Grande  
Died: July 10, 2025  
Admitted: Sept. 28, 1989

**John Anthony Wilmer**  
Huntsville  
Died: April 29, 2025  
Admitted: Sept. 26, 1986

**James Cooke Wood**  
Mobile  
Died: May 16, 2025  
Admitted: Jan. 1, 1962

**William Michael Young**  
Annandale, VA  
Died: July 5, 2025  
Admitted: Sept. 22, 1977



By Marc A. Starrett and J. Thomas Richie



### Recent Criminal Decisions – Marc A. Starrett

## FROM THE U.S. SUPREME COURT

#### Post-conviction relief; DNA testing

***Gutierrez v. Saenz*, No. 23-7809, 606 U.S. \_\_ (2025):** An inmate convicted of capital murder and sentenced to death possessed standing to initiate an action under 42 U.S.C. § 1983 seeking DNA testing in an effort to show his innocence. The United States Supreme Court held that inmates convicted of state court crimes have a liberty interest in demonstrating their innocence with new evidence, and the inmate had standing to challenge Texas’s DNA testing procedures under the Due Process Clause.

#### Supervised release

***Esteras v. United States*, No. 23-7483, 606 U.S. \_\_ (2025):** In deciding whether to revoke supervised release, the district court cannot consider 18 U.S.C. § 3553(a)(2)(A), which requires a sentence “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense[.]” Because supervised release is rehabilitative, the court “must consider the *forward-looking* ends of sentencing (deterrence, incapacitation, and rehabilitation), but may not consider the *backward-looking* purpose of retribution.” (Emphasis in original.)



## Habeas corpus; successive petitions

***Rivers v. Guerrero*, 145 S. Ct. 1634 (2025):** Under the Anti-terrorism and Effective Death Penalty Act of 1996 (“AEDPA”), 28 U.S.C. § 2244, a federal habeas petitioner’s ability to file a successive (second or more) petition is strictly limited. The AEDPA requires the petitioner to seek permission from the circuit court of appeals and meet stringent standards to obtain review of a successive petition. The Court held that the petitioner’s second habeas petition – filed during the pendency of his appeal from the denial of his first petition – was a “second or successive petition” subject to § 2244. Once a judgment has been entered on an initial habeas petition, a second-in-time filing asserting new claims qualifies as a “second or successive” petition.

## Wire fraud

***Kousisis v. United States*, 145 S. Ct. 1382 (2025):** A defendant commits wire fraud under 18 U.S.C. § 1343 by scheming to take the victim’s property under false pretenses through use of “wire, radio, or television communication in interstate or foreign commerce[.]” The United States Supreme Court held that wire fraud is committed regardless whether the defendant, who often provides something in return, seeks to cause the victim net pecuniary loss; “[t]he statute does not so much as mention loss, let alone require it[.]” and the defendant violates it “regardless of whether he seeks to leave the victim economically worse off.”

## FROM THE ALABAMA SUPREME COURT

***Ex parte Bonner*, No. SC-2024-0443 (Ala. May 2, 2025):** The Alabama Supreme Court upheld the Court of Criminal Appeals’ granting of mandamus relief where a circuit court had acquitted a defendant after the jury found him guilty of first-degree robbery. After the Court of Criminal Appeals granted the State’s mandamus petition and remanded for the circuit court to vacate its acquittal, the circuit court entered an order stating that it no longer had jurisdiction to set aside the acquittal. The State petitioned again, and the Court of Criminal Appeals again issued mandamus relief and ordered the circuit court to vacate its decision. The Supreme Court then denied the defendant’s mandamus petition, holding that, to the extent that a trial court has jurisdiction to comply with an order issued by an appellate court but does not, “the appellate court may issue any appropriate writ necessary to enforce its order.”

## FROM THE ALABAMA COURT OF CRIMINAL APPEALS

### Text messages; Ala. R. Evid. 901

***Donnie Lee Abernathy v. State of Alabama*, No. CR-21-0275 (Ala. Crim. App. June 27, 2025):** The circuit court did not err in admitting text messages between the capital murder defendant and the woman he kidnapped during the incident in which he killed three of her family members. The woman, who was blind and the mother of the defendant’s child, testified by deposition that the defendant had sent her texts indicating that he was angry and jealous. The State introduced the text messages into evidence through the testimony of an investigator who reviewed them after recovering the cell phone from the defendant’s car. This was sufficient for authentication under Rule 901 of the Alabama Rules of Evidence, and the Court of Criminal Appeals noted that the messages’ “content, tone, appearance, and other characteristics are consistent” with the woman’s testimony regarding the texts the defendant sent her. It observed that “[t]he hurdle for authenticating text messages is not high[.]” and that “[a]uthorship of the messages was a question for the jury to decide.”

### Impeachment; Ala. R. Evid. 609; Ala. R. Crim. P. 24.4

***Geraldo Jarzavian Jackson v. State of Alabama*, No. CR-2023-0170 (Ala. Crim. App. June 27, 2025):** In affirming the defendant’s rape, sodomy, and kidnapping convictions, the Court of Criminal Appeals rejected his contention that the circuit court erred in refusing to permit him to impeach his victim’s testimony with evidence of her fourteen-year-old possession of a forged instrument conviction. Under Rule 609 of the Alabama Rules of Evidence, evidence of a witness’s conviction of a crime involving dishonesty or false statement more than ten years old is inadmissible for impeachment unless its probative value “substantially outweighs its prejudicial effect.” As such, convictions more than ten years old “will be rarely admitted[.]” and the defendant failed to provide “specific facts and circumstances” to meet his burden to establish that the conviction’s probativeness substantially outweighed its prejudicial effect. There was also no error in the denial of his unverified motion for a new trial under Ala. R. Crim. P. 24.4, and testimony regarding alleged juror misconduct – given at a hearing conducted after the expiration of the sixty-day period provided by the rule – was void and could not be considered on appeal.



## Split Sentence Act

**Thomas Edison Douglas, Jr. v. State of Alabama, No. CR-2024-031 (Ala. Crim. App. June 27, 2025):** The circuit court erred in revoking the defendant's split sentence, because, when probation is revoked for a defendant originally sentenced pursuant to the Split Sentence Act, Ala. Code § 15-18-8, Ala. Code § 15-18-8.2 reauthorizes the revoking court to split the sentence in accordance with § 15-18-8 based on the defendant's base sentence. Based on the class designations of his felonies, the defendant's sentences could only be resplit into prison terms of three to five years rather than eight years as imposed by the circuit court.

## Preservation of error; motion for a mistrial; jury argument

**Anthony Orr v. State of Alabama, No. CR-2023-0752 (Ala. Crim. App. June 27, 2025):** The defendant failed to preserve for appellate review his claim that he was entitled to a mistrial due to the State's closing argument. A motion for a mistrial must be made immediately after the grounds for the motion become apparent, and the defendant waited until the close of the argument to request a mistrial. Further, his motion for a new trial could not provide review of the alleged error because preservation is required for review of grounds alleged in the posttrial motion. While the defendant did preserve his claim that the circuit court erred in overruling his contemporaneous objection to the State's argument, the Court of Criminal Appeals found it meritless, noting that "[o]ne of the most prevalent arguments to a jury is that the position and argument of the adversary is unwarranted, silly, fanciful or illogical."

## Preservation; "Rape Shield"; Ala. Evid. R. 412; certified facility dog

**Z.J.H. v. State of Alabama, No. CR-2023-0302 (Ala. Crim. App. June 27, 2025):** The defendant did not preserve his claim that the circuit court erred in prohibiting him from introducing evidence that the victim of his sexual molestation had been previously sexually abused. The circuit court granted the State's motion in limine seeking to exclude the evidence under Rule 412 of the Alabama Rules of Evidence – barring the admission of evidence offered to prove that a complaining witness engaged in other sexual behavior unless its exclusion violates the defendant's constitutional rights – and the defendant made no adequate offer of proof at trial. Regardless, the Court of Criminal Appeals found that the circuit court correctly concluded that the "entirely unsubstantiated" evidence of the victim's prior sexual abuse fell outside an exception to the general

inadmissibility of such evidence under Rule 412. It also found no error in the circuit court's decision to allow a certified facility dog to sit at the victim's feet during her testimony pursuant to Ala. Code § 12-21-148(b), which provides for a certified facility dog "to accompany a victim or witness while testifying" in order to reduce stress and to enhance the court's ability to obtain "full and accurate testimony." The defendant showed no unfair prejudice from the dog's presence, and he offered nothing to show that the dog distracted the jury other than his own statements.

## Prison garb, restraints

**Mulkey v. State, No. CR-2023-0304 (Ala. Crim. App. May 2, 2025):** The circuit court did not abuse its discretion in requiring the capital murder defendant to wear prison clothing and physical restraints during the penalty phase of his trial. The defendant's pretrial behavior led the circuit court to require that he wear a suit with a "stun belt" underneath it during trial and to position extra deputies in the back of the courtroom. After he was convicted, the circuit court directed that he be clothed in prison clothing and shackled to his rolling chair. The Court of Criminal Appeals cited the circuit court's observations that the defendant had been combative and required several deputies to restrain him and take him into jail after the verdict. Further, the defendant had specifically threatened the lives of the circuit court, the prosecutor, and his defense counsel – one of whom withdrew from the case due to the threats – and he had been found in possession of an improvised knife shortly before he was to testify. "[G]iven [the defendant's] conduct both inside and outside the courtroom," the Court of Criminal Appeals "ha[d] no trouble" in concluding that the circuit court did not abuse its discretion.

## Assault

**Hall v. State, No. CR-2023-0837 (Ala. Crim. App. May 2, 2025):** The Court of Criminal Appeals reversed the defendant's first-degree assault and remanded for the circuit court to enter a judgment of guilty on the lesser-included offense of second-degree assault. The evidence showed that the victim was stabbed in the stomach and thigh, but the stabbings did not pierce his abdominal cavity and caused a thigh wound that did not require stitches; these did not result in a "serious physical injury" as required for first-degree assault under Ala. Code § 13A-6-20. However, the wounds did constitute a "physical injury" to support a guilty verdict on the second-degree assault charge under Ala. Code § 13A-6-21, thus necessitating the remand.



## Severance of charges; withdrawal of guilty plea

**T.A.A. v. State, No. CR-2024-0056 (Ala. Crim. App. May 2, 2025):** The circuit court did not have discretion to sever a guilty plea and allow the defendant to withdraw his plea to only a portion of his charges. The defendant had entered into a plea agreement whereby he pleaded guilty to fourteen charges arising from a single indictment, and it was the intent of the parties to enter into a single plea agreement that covered all of the defendant's charges.

## Bail

**Ex parte Bailey, No. CR-2024-06354 (Ala. Crim. App. May 2, 2025):** The circuit court was authorized to deny the defendant bail regardless that it did not issue its order denying bail within 48 hours of its pretrial detention hearing as provided by Ala. Code § 15-13-3(b)(8). The 48-hour timing provision of that statute "is directory, not mandatory[.]" and the failure to follow a directory provision does not affect the essential power granted by a statute to a public official or entity.

## Recent Civil Decisions – J. Thomas Richie

### FROM THE ALABAMA SUPREME COURT

#### Administrative Law

**Ex parte Teacher's Retirement Sys. of Ala., No. SC-2023-0610 (Ala. May 2, 2025).** The Alabama Supreme Court affirmed the Alabama Court of Civil Appeals' decision that the plaintiff waived its argument that a condominium ownership organization lacked statutory standing as an aggrieved party to appeal a zoning decision. The Court held that whether the association qualified as a "person aggrieved" under the applicable statute was a question of capacity, not subject-matter jurisdiction, and thus was amenable to waiver if not raised before the Board of Adjustment. Because the plaintiff failed to raise the issue before the Board of Adjustment, the Court held that it was not preserved for review. The Court expressly declined to address whether the association was, in fact, aggrieved, noting that such discussion in the lower court opinion was dicta.



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## Alimony

**Ex parte Gartrell, No. SC-2024-0743 (Ala. June 27, 2025).** As a matter of first impression, the Alabama Supreme Court held that § 30-2-57(c) does not limit a trial court's authority to reserve jurisdiction to award periodic alimony solely to the specific circumstances described in the statute. The Court reaffirmed the common-law principles that authorize a trial court in divorce proceedings to reserve jurisdiction to award periodic alimony in the future "as justice may require," even where the party seeking alimony does not demonstrate a present need but where the evidence indicates the potential for changed financial circumstances. The Court rejected the former husband's argument that § 30-2-57(c) abrogated the common law by implication, emphasizing that statutes in derogation of the common law must be strictly construed and that § 30-2-57(c) neither expressly nor necessarily excludes other bases for reserving jurisdiction. The Court further concluded that applying the canon of *expressio unius est exclusio alterius* was not helpful because the statute did not include a list of things and, in any event, would conflict with that principle of strict construction of statutes in derogation of the common law. Accordingly, it affirmed the Court of Civil Appeals' judgment, which held that the trial court erred by failing to reserve jurisdiction where the wife's ability to maintain the marital standard of living appeared temporary.

## Arbitration

**Zynga, Inc. v. Mills, No. SC-2024-0454 (Ala. April 25, 2025).** The Court reversed the circuit court's denial of motions to compel arbitration in actions to recover gambling losses. The plaintiffs, who did not play the defendants' games, sought to recover gambling losses under § 8-1-150(b) on behalf of the families of unidentified players. The Court held that because the plaintiffs' claims were derivative of those belonging to the players—who had agreed to arbitrate disputes in the terms of service for defendants' websites—they were bound by the same arbitration provisions. The Court analogized a claim brought under § 8-1-150(b) to a claim brought by an executor or administrator. The cases were remanded with instructions to compel arbitration.

**Rentokil N. Am., Inc. v. Turner, No. SC-2025-0042 (Ala. June 20, 2025).** Where an arbitration agreement stated that the parties would arbitrate "any claim, dispute or controversy" and adopted the AAA commercial arbitration rules, the Alabama Supreme Court held that the clause delegated the issue of arbitrability to the arbitrator. It reversed

the judgment of the circuit court denying a motion to compel arbitration.

## Appellate Procedure

**Williams v. Dodd, No. SC-2024-0704 (Ala. May 9, 2025).** The appellants filed a post-judgment motion following the dismissal of their complaint, but the trial court did not rule on that motion within the 90-day period required by Rule 59.1. Although both parties' attorneys stated on the record that they had agreed to an extension of time, their consent was not made part of the record until after the 90-day period expired. Because the post-judgment motion was deemed denied by operation of law and the notice of appeal was not filed within 42 days of that denial, the Court held it lacked jurisdiction and dismissed the appeal. The Court applied a strict rule under which a consensual extension of the 90-day period must appear on the record before the 90-day deadline passes.

**Ex parte Opp Health & Rehab, LLC, No. SC-2024-0266 (Ala. May 23, 2025).** The circuit court entered judgment on the pleadings for the defendant on the plaintiff's claim for workers' compensation benefits, and the Alabama Court of Civil Appeals reversed. The Alabama Supreme Court reversed the Alabama Court of Civil Appeals, holding that the appellant failed to preserve the issue of whether her nonaccidental injury theory was not presented to the circuit court and therefore was not preserved for appeal. The plaintiff argued that her complaint was broad enough to include a claim for a nonaccidental injury, but the Court found this argument unpersuasive, noting that the standards for stating a claim and preserving an issue for appeal are not the same.

## Immunity

**Ex parte Jefferson Cty. Bd. of Educ., No. SC-2024-0756 (Ala. April 4, 2025).** The Alabama Supreme Court held that a circuit court lacked subject-matter jurisdiction to compel discovery from the board in a suit involving a child left unattended on a school bus. The plaintiff had named "Mr. Josh"—later revealed as a deceased driver—as a defendant, but the Court deemed this naming to be a fictitious name under Rule 9(h) due to the lack of full identification. Because it determined that the defendants in the case were either entitled to sovereign immunity or were fictitiously named, the Court found the complaint to be a legal nullity from the outset. The Court granted mandamus relief to the Board that vacated prior discovery orders, but it declined to order dismissal of the entire case.



***Ex parte City of Orange Beach, No. SC-2024-0526 (Ala. April 4, 2025).*** The Alabama Supreme Court granted the city's mandamus petition and held that the plaintiff's claims were barred by substantive immunity and by § 11-47-190. The plaintiff alleged that her husband died of a heart attack after emergency vehicles were delayed in reaching their home, allegedly because construction vehicles were parked in the street due to the City's failure to enforce parking-pad requirements. The Court held that the claims challenged discretionary decisions by City officials related to zoning enforcement, which are governmental functions protected by statutory immunity. It stated the rule that a governmental entity's failure to investigate or enforce its own ordinance does not give rise to a tort action. The Court therefore directed the trial court to enter summary judgment in the city's favor on the claims against the city. The case is notable for a lengthy discussion of the doctrine surrounding substantive immunity and an explanation as to why the Court would not abolish it.

***Ex parte City of Montgomery, No. SC-2024-0547 (Ala. April 25, 2025).*** The Court granted a mandamus petition filed by the City and one of its police officers, holding they were entitled to immunity from tort claims arising from a vehicle collision during a police pursuit. The plaintiff alleged she was injured when the officer struck her car, but the Court found that the undisputed evidence (including body camera footage) demonstrated that he was performing discretionary law-enforcement duties with activated lights and sirens, as required by § 32-5A-7. The Court held the plaintiff failed to rebut the defendants' showing with substantial evidence and concluded both the officer and the City were immune. It ordered the trial court to enter summary judgment in their favor.

***Ex parte McGuire, No. SC-2024-0419 (Ala. June 27, 2025).*** The Supreme Court granted mandamus petitions directing the circuit court to find that the police chief and a police officer were entitled to peace-officer and state-agent immunity. The officer witnessed the plaintiff remove a political sign and initiated an arrest that turned into a brief car chase and further interactions that were characterized as resisting arrest. The Court found that officers carried their burden of establishing immunity and that the plaintiff failed to establish either that the officers violated her constitutional rights or that they acted beyond their authority.

***Ex parte Underwood, No. SC-2024-0263 (Ala. June 27, 2025).*** A sheriff's deputy was pursuing a motorcyclist that

the deputy believed to be driving a stolen motorcycle. The motorcyclist wrecked, injuring the plaintiff. The plaintiff sued the deputy and the then-serving sheriff. The circuit court denied motions to dismiss based on immunity, but the Alabama Supreme Court granted a writ of mandamus directing the circuit court to grant those motions. It determined that the former sheriff was entitled to immunity for actions within the line and scope of his duties, and that the deputy was entitled to the same immunity.

## PFAS

***Ex parte DuPont De Nemours, Inc., No. SC-2024-0514 (Ala. April 4, 2025).*** The Alabama Supreme Court granted petitions for writs of mandamus filed by defendants in a suit brought by the Water Works and Sewer Board of the City of Gadsden regarding alleged PFAS contamination in the municipal water supply. The Court held that the claims against DuPont and Daikin were barred by the applicable two-year statute of limitations under § 6-2-38(l) because the complaint and supporting documents showed that the Board had knowledge of the alleged harm more than two years before suit was filed—facts demonstrated in pleadings from another case brought by the same plaintiff. As to INV, the Court granted mandamus on different grounds, holding that the trial court lacked personal jurisdiction. INV's sole alleged contacts with Alabama were its ownership of equipment at one or two carpet mills in Alabama in 2006, and the Court found these contacts to be insufficient under the state's long-arm statute, reiterating its prior statement that foreseeability alone cannot support the exercise of personal jurisdiction. Accordingly, the Supreme Court directed the trial court to dismiss the claims against all three petitioners.

## Insurance

***Ex parte Alfa Mut. Ins. Co., No. SC-2024-0736 (Ala. April 25, 2025).*** Reversing the Alabama Court of Civil Appeals, the Alabama Supreme Court held that loss-of-use damages may be recovered when a personal vehicle is destroyed. An insurer, having paid a policyholder for a totaled vehicle and related rental costs, sought reimbursement from the at-fault driver. The Court overruled *Hunt's* limitation on loss-of-use damages to repairable vehicles and held that loss-of-use damages are available as compensatory damages as to both commercial and personal-use vehicles.

***Jackson v. State Farm Mut. Auto. Ins. Co., No. SC-2024-0588 (June 20, 2025).*** The Court held that an insurance



contract that selected Kentucky law and which contractually selected Kentucky's 2-year statute of limitations to apply to uninsured motorist claims was enforceable notwithstanding Alabama Code § 6-2-15. The parties contracted in Kentucky and the insured driver resided in Kentucky. Accordingly, the Court found that the contract was not an attempt to avoid Alabama's statutes of limitations. The Court affirmed the judgment below.

## Indemnity

**Adams v. Atkinson, No. SC-2024-0528 (Ala. May 16, 2025).** The Court stated that "hold harmless" and "indemnify" are synonyms when they appear together, and that they will normally be interpreted to mean approximately the same thing when used singly. Thus, while the Court acknowledged that the term "hold harmless" appearing alone could signify merely a first-party release, the text of the agreement analyzed in this case was not amenable to such a reading. It held that "hold harmless" meant "indemnify" in the agreement before it, and it therefore reversed the circuit court's order dismissing the plaintiff's claim for reimbursement of attorneys' fees paid to a third party.

## Property

**EBSCO Indus., Inc. v. Ballard, No. SC-2024-0678 (Ala. June 6, 2025).** A party had a hunting lease on land owned by the appellant, and the circuit court determined that the party holding the lease acquired title by adverse possession. The Alabama Supreme Court reversed, holding that any use of the property under the hunting lease was permissive and could not ripen into adverse possession. It reversed the circuit court's finding of adverse possession and remanded for further proceedings.

## Tortious Interference

**Flickinger v. King, No. SC-2024-0153 (Ala. May 9, 2025).** An attorney posted social media commentary regarding George Floyd. Partners at the law firm that employed him received communication from another lawyer who owned his own firm. The posting attorney resigned under pressure from his firm. He sued the lawyer who had contacted his employer and the firm in which that lawyer was the sole partner for tortious interference. The circuit court granted summary judgment to both the individual and law firm defendants, but the Alabama Supreme Court reversed as to the individual, finding at the summary judgment stage that the individual defendant's actions could have been substantial factors in bringing about the harm alleged. The Court also found a jury question to exist as to the issue of justification, noting that there was evidence

that the individual defendant had sent a false social media post to the plaintiff's employer. The Court reversed summary judgment as to the individual defendant but affirmed as to the law firm defendant.

## Leases

**Hembree Ins. Trust v. Maples Indus., Inc., No. SC-2024-0543 (Ala. April 11, 2025).** The Court reversed a summary judgment declaring a commercial lease agreement void. The circuit court had concluded that the lessor lacked authority to lease the property because legal title was held by another entity. The Alabama Supreme Court found that lessor, as the sole member and manager of the other entity, had sufficient interest to execute a valid lease and that the lessee was estopped from challenging the lease after occupying the property and paying rent to the lessee. It also repeated the rule that a tenant in possession of a leased property generally cannot dispute the landlord's title to that property. The case was remanded for further proceedings.

## Personal Jurisdiction

**Ex parte GBC Int'l Bank, No. SC-2024-0778 (Ala. June 27, 2025).** The Alabama Supreme Court granted a defendant's petition for a writ of mandamus and directed the circuit court to dismiss the complaint for lack of personal jurisdiction. The plaintiff had wired \$60,000 to an account in the defendant's name and owned by another entity that allegedly absconded with the funds. The plaintiff claimed the defendant was negligent or wanton for facilitating the alleged fraud. The Court held that Alabama lacked specific personal jurisdiction over the defendant because that defendant had not purposefully availed itself of the privilege of conducting activities in Alabama. The defendant submitted an affidavit establishing no business presence or targeted activity in Alabama, and the plaintiff failed to rebut this with competent evidence, having submitted an unsworn declaration that relied on passive website statements. The Court emphasized that unilateral activity by a plaintiff or passive internet content does not create specific personal jurisdiction.

## Summary Judgment

**Ordonez v. Capitol Farmers Market, Inc., No. SC-2024-0424 (Ala. April 25, 2025).** In a case involving injuries arising from serving hot soup at a deli inside a grocery store, the Alabama Supreme Court found that the circuit court abused its discretion in denying the plaintiff's motion for a continuance under Rule 56(f). The parties disputed what entity owned the deli that served the soup, and the Court determined that the circuit court should have permitted



the plaintiff to depose the corporate representative of the defendant. The defendant denied that it had authority over the deli or rights to control its operation, but health department records showed that two of the defendant's employees had been sent to food safety training and that one of those employees had received a violation notice issued to the defendant related to the deli. The Court reversed summary judgment for the defendant and remanded.

## Service of Process

**Lewis v. Ojano-Bracco, No. SC-2024-00534 (Ala. May 9, 2025).** The Alabama Supreme Court affirmed the denial of a defendant's motion under Rule 60(b)(4). The defendant sought to set aside a default judgment by asserting that he had not been properly served. The Court disagreed, finding that service was valid under Rule 4 because the summons and complaint were delivered to the defendant's stepson, a person of suitable age and discretion who resided at the defendant's usual place of abode at the time. The Court cited evidence including tax records, business filings, and other legal documents indicating that the residence where service occurred remained the defendant's primary address. Finding that service was proper, the trial court's denial of the motion to set aside the judgment was affirmed.

## Taxation

**Faust v. Woods Props. & Invs., LLC, No. SC-2023-0918 (April 11, 2025).** The Alabama Supreme Court reversed summary judgment for the titular owner of a condominium—an LLC formed by a married couple that had purchased the condo. The LLC challenged the reclassification of the condo for ad valorem tax purposes. The condo, which had previously been classified as Class III property (single-family owner-occupied residential), was reclassified as Class II after the transfer of title to the LLC. The Court held that because the LLC could not itself occupy the property as a "dwelling," the property did not qualify for Class III status. The Court determined that the individuals owned and occupied the condo and that occupying property as a dwelling is not an action that a corporate entity can perform or that an agent can perform on behalf of a principal. The case was remanded for further proceedings.

**Scott v. Ala. Dept. of Revenue, No. SC-2025-0013 (Ala. June 13, 2025).** A taxpayer filed one appeal challenging property tax assessments on 176 parcels and the circuit court dismissed the appeal because it concluded that the attempt to aggregate appeals was impermissible. The Alabama Supreme Court reversed. It noted that § 40-3-24 includes language suggesting that multiple "objections"

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relating to "any" property may be subject to "an appeal." It interpreted "any" to mean "one, some, or all indiscriminately of whatever quantity" as set out in Merriam-Webster's Collegiate Dictionary. Accordingly, it reversed the dismissal of the appeal, though it left open the issues of whether challenges related to parcels owned by separate entities could be aggregated in a single appeal and whether affiliated entities can count as a single owner.

##### Venue

***Ex parte Nash*, SC-2024-0834 (Ala. June 27, 2025).** The Alabama Supreme Court granted a petition for a writ of mandamus and directed the circuit court to vacate its order transferring the case to another circuit. The plaintiff had filed suit in Jefferson County after a vehicular collision in Tuscaloosa County. The Supreme Court determined that, even though the accident occurred in Tuscaloosa County, Jefferson County had a substantial connection to the case, including being the location of a defendant's principal place of business, the plaintiff's medical providers, and the plaintiff's employer. The Court held that the defendant, as the party seeking transfer, failed to meet its burden of proving both that Tuscaloosa County had a strong connection and that Jefferson County had only a weak connection to the action.

##### Wills

***Johnson v. Mayers*, No. SC-2025-0297 (Ala. June 27, 2025).** A will provided for an equal division of the estate between four named beneficiaries and provided that if, none of those persons survived the testator, the estate would pass to the testator's nearest living heirs. The circuit court determined that Alabama's antilapse statute, § 43-8-224, did not apply because the language of the will provided for survivorship—that is, it differentiated between surviving beneficiaries and deceased beneficiaries. The Alabama Supreme Court affirmed, and the decision includes an extended discussion of the antilapse statute's default application.

## FROM THE ALABAMA COURT OF CIVIL APPEALS

##### Adoption

***G.D. v. S.R.S.*, No. CL-2024-0767 (Ala. Civ. App. May 23, 2025).** The Court of Civil Appeals dismissed the appeal of a termination of parental rights suit, finding that the adoption of the child rendered moot any appeal arising



out of the biological parents' Rule 60(b)(4) motion in the termination of parental rights suit and the independent Rule 60(b)(4) action.

## Arbitration

**West Ala. Bank & Trust v. Perry County Bd. of Educ., No. CL-2024-0792 (Ala. Civ. App. May 23, 2025).** The Alabama Court of Civil Appeals reversed the denial of a motion to compel arbitration. The plaintiff school board sued a bank alleging that the bank negligently honored fraudulent checks. The bank answered and counterclaimed for its attorneys' fees. The bank later served requests for admission and requests for production, then it moved to compel arbitration. The appellate court found that the parties' dispute fell within the scope of the arbitration agreement and that the agreement was not unconscionable. It also found that the bank's counterclaim and discovery did not amount to such a substantial invocation of the litigation process as to waive the right to arbitrate.

## Custody

**Russell v. Russell, No. CL-2023-0427 (Ala. Civ. App. April 4, 2025).** The Alabama Court of Civil Appeals affirmed the award of sole physical custody of children to the former wife, finding her to have been the primary caregiver and that there was sufficient evidence to show that custody with the former wife with visitation by the former husband served the best interest of the children. However, the appellate court found that the trial court's final judgment failed to make the findings required by § 30-2-57 in awarding alimony. Reversing the award of alimony required reversing the entire property division because the issues are intertwined.

**Stanford v. Anaya, No. CL-2024-0877 (Ala. Civ. App. May 9, 2025).** The Alabama Court of Civil Appeals affirmed substantially all of the circuit court's judgment. It found that, even if the mother could have been deemed to have abducted a child by moving to Oregon, the mother substantially complied with the circuit court's order requiring her to return the child by bringing the child to trial three months after entry of the order for return. Because the father had not filed a motion for pendente lite visitation, the appellate court found no error in the alleged failure of the circuit court to enforce its return order. The appellate court likewise affirmed the circuit court's determination that abduction-prevention measures were not required, relying on the fact that the mother had provided the father with addresses and had given the father telephone numbers and pictures of the

child's school. The Court of Civil Appeals also affirmed awarding sole custody to the mother and permitting the father visitation in Oregon over long weekends, extended breaks, and holidays, finding such an arrangement to be in the circuit's discretion. While the appellate court also upheld the child support award, it determined that the circuit court's calculation of interest due on child support arrearage was \$36.17, not \$39. It remanded for the sole purpose of correcting that error.

## Uniform Child Custody Jurisdiction & Enforcement Act

**Baker v. Dukes, No. CL-2024-0675 (Ala. Civ. App. April 25, 2025).** The Alabama Court of Appeals held that an Alabama circuit court retained exclusive jurisdiction over the visitation provisions of a divorce judgment where a father who lived in Alabama and had joint custody and the general requirements of "significant connection" were present, notwithstanding the fact that the child and mother had moved to Tennessee. The circuit court's judgment was reversed.

## Child Support

**H.D. v. D.B., No. CL-2024-0904 (Ala. Civ. App. May 23, 2025).** The Alabama Court of Civil Appeals reversed the judgment of the juvenile court relating to child support. The juvenile court's judgment did not order either parent to pay child support because it awarded them joint physical custody. The appellate court found that such an award is a deviation from the Rule 32 child-support guidelines, and that *Sampson v. Coachman* requires such deviations be supported by a written finding that to award either party child support would be unjust or inequitable.

## Contempt

**Knighon v. Knighon, No. CL-2024-0863 (Ala. Civ. App. May 23, 2025).** A mother was found to be in criminal contempt of a custody order when she took children out of state over Thanksgiving (when the children were supposed to be with the father) and when she unilaterally refused to deliver the children to the father as agreed around Christmastime. While the Alabama Court of Civil Appeals affirmed the finding of contempt, it *ex mero motu* reversed the \$500 fine imposed by the circuit court and remanded for the imposition of a fine consistent with Section 12-11-30(5).

## Dependency

**C.K. v. F.O., No. CL-2024-0928 (Ala. Civ. App. May 2, 2025).** A father's dependency petition alleged that a



child was dependent because the mother had abused the child and requested custody. The Alabama Court of Civil Appeals found that the petition did not invoke the dependency jurisdiction of the juvenile court as it was, in substance, a custody dispute, and it dismissed the appeal with instructions for the juvenile court to dismiss for lack of jurisdiction.

## Divorce

***K.J.P. v. B.W.P.*, No. CL-2024-0809 (Ala. Civ. App. May 16, 2025).** The Alabama Court of Civil Appeals affirmed the circuit court's property division. The wife had cashed out her retirement accounts during the pendency of the action and had spent considerable sums on hotels, alcohol, vaping products, and eating out in conduct that the trial court found to have led to the demise of the parties' marriage. The appellate court did not upset the circuit court's decision to award the husband the equity in the marital home and the full value of his retirement accounts. The wife could not prove the amount of her retirement account or the times on which she made deposits into that account or the amounts in that account, so she could not carry her burden of showing that the circuit court committed error in its property division.

***Lawder v. Alexander*, No. CL-2024-0570 (Ala. Civ. App. May 23, 2025).** The Alabama Court of Civil Appeals affirmed the circuit court's decision not to award visitation to a mother when the court had evidence showing that the mother had a history of drug addiction, was non-compliant with her substance abuse treatment, made threatening social media statements, had serious mental health problems, and had committed several crimes. However, the appellate court reversed the circuit court's determination of the mother's arrearage in child support, finding that the circuit court erred in relying on an email from a DHR caseworker who did not testify at trial. The case was remanded for a determination of the arrearage based on admissible evidence.

## Exemptions

***Ala. State Employees Credit Union v. Jemison*, No. CL-2025-0004 (Ala. Civ. App. May 16, 2025).** Where the parties had executed a consent judgment that waived exemptions (even if not contained in their original agreement), such waiver was enforceable. Accordingly, the Alabama Court of Civil Appeals held that it was error for the circuit court to enter a judgment that was not in accordance with the requested consent judgment, and it reversed.

## ID Cards

***Taylor, as Secretary of Ala. Law Enforcement Agency v. Humphries*, No. CL-2024-0791 (Ala. Civ. App. April 25, 2025).** An individual sought issuance of a non-driver identification card. She was unable to produce any of the nine primary-listing documents identified in the applicable regulations to obtain such a card, but claimed that equity required that she be issued an ID. The Alabama Court of Civil Appeals reversed the trial court's declaratory judgment that the plaintiff was entitled to the issuance of an ID, finding that the failure to produce any of the required documentation precludes any entitlement to the issuance of an ID.

## Personnel Boards

***Pilato v. Samaniego*, No. CL-2024-0844 (Ala. Civ. App. June 27, 2025).** The Alabama Court of Civil Appeals affirmed the circuit court's judgment to uphold the termination of the employment of a sheriff's deputy. The deputy claimed that her termination violated federal due process, but the appellate court held that the personnel board lacked the jurisdiction to hear federal claims (which must be raised in collateral proceeding invoking the general jurisdiction of the circuit court). The court rejected her various procedural arguments as well, and found no basis to substitute its judgment for the personnel board's judgment as to the deputy's contention that the facts did not warrant terminating her employment.

## Property

***Canaan Land Ministries v. Jones*, No. CL-2024-0677 (Ala. Civ. App. April 11, 2025).** A deed referenced the edge of a pond as the location of the boundary line between their properties, but the pond had disappeared. Because the court determined that the pond changed dramatically because of avulsion (a sudden and violent or artificial change) instead of reliction (the process by which a river or stream shifts its location), the boundary line remained stationary and did not change when the pond receded. It therefore reversed summary judgment entered below and remanded with instructions to enter summary judgment for the other party.

***Rayonier Forest Resources, LP v. Hudson*, No. CL-2025-0003 (Ala. Civ. App. April 11, 2025).** A party that marked timber as its own and managed an entire property, harvesting and replanting pine trees from portions of it in accordance with forestry management practice established adverse possession of the whole property. The Court of Civil Appeals also found it relevant that the party



in possession had leased portions of the property to a third party. Because this open and notorious possession lasted 22 years, the court determined that the possessing party was entitled to a judgment of adverse possession. It therefore reversed judgment for the other party and remanded.

***Beyke v. Marquart*, No. CL-2024-0513 (Ala. Civ. App. April 11, 2025).** The Alabama Court of Civil Appeals reversed summary judgment in an adverse possession case, finding that there was substantial evidence of a factual dispute regarding whether a fence was actually the boundary line between two properties and whether the use of the disputed piece of land was adverse or permissive.

***Galloway v. Moore*, No. CL-2024-0755 (Ala. Civ. App. June 27, 2025).** The Alabama Court of Civil Appeals reversed a boundary judgment when the court found that the circuit court failed to comply with Alabama Code § 35-3-3's requirement that a judgment "shall locate and define boundary lines by reference to well-known permanent landmarks..." In particular, the court found that the judgment below "does not contain any references to particular landmarks at the beginning or ending points of the disputed boundary." It reversed and remanded for the circuit court to identify the relevant boundary lines.

***Hynes v. Middleton*, No. CL-2023-0533 (Ala. Civ. App. June 27, 2025).** The Alabama Court of Civil Appeals reversed the circuit court's judgment and found that a pedestrian easement across a lakefront lot was a nontransferable easement in gross such that the interest of a subsequent purchaser of that lot was not subject to the easement. Likewise, the court found that certain boat-slip licenses were revocable.

### Statute of Frauds

***Ransby v. Moore*, No. CL-2025-0039 (Ala. Civ. App. June 13, 2025).** The circuit court determined that a 2004 agreement did not comply with the statute of frauds because the land to be transferred was not particularly described and could not be identified without oral evidence. The appellate court disagreed. The contract identified the property by its address, and the Court of Civil Appeals found that identification sufficient when combined with other evidence to remove any confusion about the parcel of property referred to in the 2004 agreement.

### Termination of Parental Rights


***C.C. v. Madison County D.H.R.*, No. CL-2024-1022 (Ala. Civ. App. June 27, 2025).** The Alabama Court of Civil Appeals

held that the juvenile court abused its discretion by denying a father's motion to continue the trial of the termination of his parental rights. The father had requested the appointment of an attorney 19 days before trial, but the court did not appoint a lawyer for him until minutes before the trial was supposed to commence and three days before it actually commenced. The appointed lawyer demonstrated to the appellate court's satisfaction that three days was not an adequate time for him to prepare to try a case involving a fundamental right such as child custody. The appellate court reversed and remanded with instructions that the juvenile court hold a new trial after appropriate notice to the father and his appointed counsel.


***J.Q. v. Calhoun County D.H.R.*, No. CL-2025-0067 (Ala. Civ. App. June 27, 2025).** The Alabama Court of Civil Appeals held that the juvenile court abused its discretion by appointing lawyers for parents whose termination-of-parental-rights trial was only minutes away from beginning. In the court's words, "[g]iven the gravity of the proceedings, the juvenile court should have exercised its discretion to continue the trial to allow the appointed counsel adequate time to prepare."

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## Venue

***Ex parte Nucor Harris Rebar South, LLC*, No. CL-2025-0145 (Ala. Civ. App. April 11, 2025).** The Alabama Court of Civil Appeals issued a writ of mandamus vacating an order transferring venue because it determined that the nonmoving party was not given a hearing or allowed to file a response, as the circuit court granted the motion in fewer than two business days after it was filed.

# FROM THE ELEVENTH CIRCUIT COURT OF APPEALS

## Section 1983

***DeMarcus v. Univ. of S. Ala.*, No. 23-11670 (11th Cir. April 10, 2025).** The Eleventh Circuit affirmed summary judgment in favor of school officials and the school district on Title IX and § 1983 claims. The plaintiffs, former high school volleyball players, alleged that school officials failed to protect them from sexual harassment and abuse by their coach. The Eleventh Circuit concluded that the conduct was troubling but did not rise to the level of a constitutional violation under the “shocks the conscience” standard required for substantive due process claims. The court also found that qualified immunity barred the claims because the plaintiffs failed to identify any clearly established law placing the alleged conduct beyond constitutional bounds. As for the Title IX claims, the court held there was insufficient evidence that school officials had actual notice of the misconduct and responded with deliberate indifference. The court affirmed summary judgment on all claims.

***Cunningham v. Cobb County*, No. 24-10879 (11th Cir. June 23, 2025).** The Eleventh Circuit affirmed summary judgment in favor of a defendant county and three of its police officers in a § 1983 suit brought by a plaintiff who alleged excessive force during his arrest. The plaintiff had fled after allegedly burglarizing a car dealership and also allegedly resisted officers’ repeated commands to show his hands while lying face down in dense vegetation. Officers struck Cunningham with fists and an elbow before handcuffing him. The Eleventh Circuit agreed with the district court that the officers’ use of force was objectively reasonable under the Fourth Amendment in light of the plaintiff’s flight, resistance, and the fact that a reasonable officer could perceive that the plaintiff’s concealed hands posed a threat. Because there was no constitutional violation, the officers were entitled to qualified immunity, and no *Monell* liability could

attach to the county. The Eleventh Circuit likewise affirmed the dismissal of the plaintiff’s parallel state-law claims because there was no evidence that the officers acted with actual malice, a showing of which would have been required to overcome their official immunity under Georgia law.

## Sex Offender Laws

***Henry v. Sheriff of Tuscaloosa County*, No. 24-10139 (11th Cir. April 23, 2025).** The plaintiff obtained prospective injunctive relief against Alabama officials to prohibit enforcement of Alabama Code § 15-20A-11(a)(1), which makes it unlawful for a sex offender to “live” or “spend the night” at an unregistered address. The Eleventh Circuit first found that the statute burdened the plaintiff’s fundamental right to live with his family without a finding that he was a danger to the child, so it applied strict scrutiny and found that there were plausible, less restrictive alternatives to the statute’s blanket rule, and that the statute, while serving a compelling state interest, was both over- and underinclusive. Accordingly, it found the statute to violate the Fourteenth Amendment’s Due Process Clause as applied to the plaintiff. Nevertheless, it held that a meritorious debate existed as to whether the statute had a constitutional scope of application, so it vacated the district court’s facial injunction. The court affirmed the grant of summary judgment to the plaintiff but vacated the injunction and remanded for further proceedings.

## Good Samaritan

***Pipkins v. City of Hoover*, No. 23-10814 (11th Cir. April 17, 2025).** The Eleventh Circuit affirmed summary judgment dismissals of both the § 1983 and state-law claims arising out of a police officer shooting an innocent visitor who was holding a firearm at a mall during an active-shooter incident. The police shot the decedent believing he was committing a crime when in fact he was attempting to provide assistance. The court concluded that the use of deadly force was reasonable under the Fourth Amendment and that no verbal warning was constitutionally required under the circumstances, even at the summary judgment stage. It further held that the defendants responsible for the shopping mall where the shooting occurred had no legal duty to protect the decedent from a third party’s criminal act and that no special relationship to create such a duty was plausibly pled. Accordingly, summary judgment in favor of all defendants was affirmed.

## Personal Jurisdiction

***Jekyll Island-State Park Auth. v. Polygroup Macau Ltd.*, No. 23-11415 (11th Cir. June 10, 2025).** The Eleventh



Circuit reversed the district court's order dismissing the plaintiff's trademark infringement claims for lack of personal jurisdiction over the defendant, a foreign intellectual property holding company. It held that the defendant had purposefully availed itself of U.S. law by registering over sixty trademarks, engaging in litigation in U.S. courts, and allowing related companies to sell products bearing its marks in the United States—activities that collectively established that the defendant had continuously and deliberately exploited the United States market. The court also reasoned that the exercise of specific jurisdiction does not require “a strict causal relationship” between the defendant's contacts and the claims. It found the connection between the defendant's activities and the plaintiff's claims was close enough to support specific jurisdiction. The case was remanded.

## Qui Tam

### ***Vargas v. Lincare, Inc., No. 24-11080 (April 16, 2025).***

The Eleventh Circuit affirmed in part and reversed in part the dismissal of a False Claims Act suit filed by qui tam relators. The district court had dismissed the fourth amended complaint for failure to plead fraud with sufficient particularity under Rule 9(b). On appeal, the court reversed dismissal of the “upcoding” claim, finding those allegations included patient-specific billing details sufficient to “withstand a motion to dismiss,” while affirming dismissal of the remaining claims (kickbacks, co-pay waivers, unauthorized shipments) for lack of specificity linking them to actual claims submitted to the government. The case was remanded for further proceedings on the upcoding claim only. Of note, Judge Tjoflat concurred to discuss the issue of shotgun pleading.

## Choice of Law

### ***Middleton v. The Hollywood Reporter, LLC, No. 23-12979 (11th Cir. May 23, 2025).***

The Eleventh Circuit affirmed the district court's decision to dismiss the plaintiff's defamation-based claims. It applied Florida's borrowing statute that provides that a claim arising in another jurisdiction that would be untimely in that jurisdiction cannot be maintained in Florida, and that statute applies in diversity cases in federal court. The court affirmed the finding that, under Florida choice-of-law principles, California had the most significant relationship to the dispute, finding that the balance of the § 145 factors from the Second Restatement outweighed the presumption in § 150 that the domicile of the plaintiff is normally the state with the most significant relationship.

## Tobacco Regulation

### ***Bidi Vapor, LLC v. U.S. Food & Drug Admin., No. 24-10263 (11th Cir. April 24, 2025).***

The Eleventh Circuit affirmed the FDA's issuance of a marketing denial order regarding a tobacco-flavored electronic delivery system. The party seeking approval argued that the denial was arbitrary and capricious, but the Eleventh Circuit disagreed, finding that the party seeking approval failed to address all of the deficiencies identified by the FDA. In particular, the Eleventh Circuit focused on information showing that approval would not protect the public health because the FDA found that the product was likely to increase the severity and likelihood of addiction.

## Lanham Act

### ***Top Tobacco, L.P. v. Star Importers & Wholesalers, Inc., No. 24-10765 (11th Cir. April 30, 2025).***

The Eleventh Circuit affirmed the district court's denial of the defendant's Rule 50(b) motion relating to damages in a copyright case. First, even though the statutory damages awarded exceeded the plaintiff's actual damages, the court found no error because it determined that Section 1117(c) permitted that result. Second, even in the absence of evidence of willfulness, the court affirmed the award when the jury was instructed that it could consider deterrence in connection with willful infringement. It found that an instruction that permits the jury to consider deterrence in one area did not forbid the jury from considering deterrence in connection with non-willful statutory damages. Third, the court found that the award did not violate due process. The damage award fell within the statutory damages range and the court did not find it so severe and oppressive as to be wholly disproportionate to the offense. ▲



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Marc A. Starrett is an assistant attorney general for the State of Alabama and represents the state in criminal appeals and habeas corpus in all state and federal courts. He is a graduate of the University of Alabama School of Law. Starrett served as staff attorney to Justice Kenneth Ingram and Justice Mark Kennedy on the Alabama Supreme Court, and was engaged in civil and criminal practice in Montgomery before appointment to the Office of the Attorney General. Among other cases for the office, Starrett successfully prosecuted Bobby Frank Cherry on appeal from his murder convictions for the 1963 bombing of Birmingham's Sixteenth Street Baptist Church.



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By Roman A. Shaul



# *Alabama Moves to Modernize Lawyer Advertising Rules: A LOOK AT THE CHANGES*

**Under the leadership of the Supreme Court of Alabama,** the Alabama State Bar is on the cusp of implementing a significant update to its rules governing lawyer advertising – rules that have remained largely unchanged for decades despite sweeping shifts in technology and public expectations. After years of deliberation, study, and public input, the Supreme Court of Alabama has approved a comprehensive rewrite of Rules 7.1, 7.2, and 7.3 of the *Alabama Rules of Professional Conduct*. These provisions are the primary rules of professional conduct that establish the appropriate standards for how a lawyer can

ethically communicate and market his or her legal services. In contrast, Rules 7.4, 7.5 and 7.6 governing other forms of communication, remain unchanged.

### **A Long, Deliberate Drafting Process**

Work on modernizing the state's advertising rules began in earnest back in 2017, when the Alabama State Bar created a special subcommittee (Rule 7 subcommittee) of the Disciplinary Rules and Enforcement Committee (DREC) to study the issue. The DREC is a standing committee that has an advisory role over the operations of the Office of General Counsel. The Rule 7 subcommittee



was co-chaired by Michael Upchurch of Mobile and Harlan Prater of Birmingham. The Rule 7 committee drew members from every corner of Alabama's legal community: big firms, solo practitioners, lawyers who advertise heavily, and those who do not advertise at all. The group studied not only Alabama's existing rules but also the American Bar Association's Model Rules and advertising rules from other states.

The drafting process was marked by extensive debate, multiple drafts, and broad outreach. Part of the outreach included two public comment periods and a survey of the citizens of Alabama. At one point in the process, the Rule 7 subcommittee brought together a diverse group of lawyers who were not on the committee for an intensive day-long session to gather additional feedback. After revisions, the Board of Bar Commissioners reviewed and approved the proposed rules. Throughout, the drafters were guided by United States Supreme Court precedents that protected truthful lawyer advertising under the First Amendment but also recognized that rules were needed to protect the public from false or misleading statements related to a lawyer's services.

## The ABA's Approach to Revising the Rules

In 2018, the American Bar Association (ABA) undertook its own significant revision of the lawyer advertising rules. The final product resulted in a more streamlined framework than before but did not seek to address specific areas of possible misconduct that had arisen with the modern times. Generally, the ABA revised rules can be summarized as:

- **Model Rule 7.1** retains the broad prohibition against false or misleading communications about a lawyer's services.
- **Model Rule 7.2** consolidates detailed advertising provisions into a single rule. It updated the rules to allow lawyers to advertise through any media while prohibiting false or misleading statements. This rule did address paying for recommendations, requiring that certain referrals comply with existing rules on fee splitting and solicitation.
- **Model Rule 7.3** continued to address the solicitation of clients - distinguishing between permissible advertising and direct, in-person, or live solicitation that risks undue influence or coercion. The ABA's version does clarify permissible forms of contact and reinforces that unsolicited real-time contact with prospective clients for pecuniary gain is presumptively impermissible.

The ABA revisions aimed to eliminate outdated distinctions and inconsistencies, focusing the rules on clear, enforceable prohibitions against misleading conduct and undue influence while preserving lawyers' constitutional right to communicate truthful information about their services. Importantly, the ABA chose to eliminate all the Rule 7 series rules and consolidate them all into just these three. While the ABA's 2018 rule changes provided an excellent starting point, the Alabama rule changes are more granular and seek to address specific concerns that were expressed in the citizen survey and public comments offered by other Alabama lawyers.

## The Alabama Approach: Key Rule Changes

While the three separate, revised rules supplant the older versions, most of the Committee's attention was focused on significantly changing Rule 7.2, which governs lawyer advertising content. Here are some highlights:

- **Clearer Disclosures on Licensure and the Lawyer's Location:** Lawyers featured in advertisements who are not licensed in Alabama must now clearly disclose that fact. Likewise, firms advertising in Alabama must disclose whether they have a bona fide office in the state or locality and provide the location of at least one actual office. This addresses survey results showing that over 90 percent of Alabamians believe lawyers in local ads should be licensed in the state, and over 75 percent want to know whether the lawyer has a local office.
- **Accountability for Advertised Content:** Any lawyer who appears in or is identified in an advertisement will be personally responsible for ensuring the advertisement complies with the rules.
- **Plain and Visible Disclaimers:** All required disclaimers and disclosures must be easy to see, read, or hear - ending the practice of burying fine print in fast-spoken voiceovers or tiny text.
- **No Misleading Practice Areas:** Lawyers should not advertise practice areas that they do not actively handle or intend to handle themselves. If a lawyer plans to refer a matter to another firm at the outset, he or she must



disclose that fact. This responds directly to survey findings that nearly two-thirds of Alabamians expect the lawyer they see or hear in an ad to personally handle their case.

- **Stricter Rules for Testimonials and Results:** Testimonials can only come from real clients with first-hand experience. If someone is paid for their endorsement, that fact must be disclosed. Likewise, ads that tout specific case results must include enough detail to be objectively verifiable and not misleading – for example, advertised verdicts cannot be the result of a default judgment.
- **Ban on Authority Figure Endorsements:** Judges, police officers, and other authority figures may not endorse lawyers in ads unless they were actual clients - to prevent ads from misleadingly borrowing credibility.
- **No Actors Playing Clients or Lawyers:** Lawyers can no longer use actors to impersonate themselves or satisfied clients in advertisements. However, actors may be used in the background if not in speaking roles and not done in a way that is misleading.
- **No Manipulation of Online Search Results:** The new rules also prohibit lawyers from deceptively manipulating or buying search engine results in a way that misleads potential clients into thinking they are contacting a different lawyer.
- **Copies of Advertisements Must be Kept for Six Years:** Under the old rule, all advertisements had to be submitted to the Office of General Counsel within three days of dissemination. Under the new rule, advertisements do not

have to be submitted as a matter of course but must be retained for a period of six years. Six years is the statute of limitation on a violation of the *Alabama Rules of Professional Conduct*.

- **Establishment of the “One-Click Rule”:** If a lawyer advertises on a social media platform or online medium that does not provide enough room for a required disclaimer, the advertisement must contain a link, that within one click, will arrive at a landing page that does contain the required disclaimer.
- **The General Disclaimer was Eliminated:** However, the ban on comparison advertisements purporting to contrast one lawyer’s services to another’s, has remained.

## How Public Surveys Shaped the New Rules

Importantly, the Rule 7 subcommittee did not work in a vacuum. At the Supreme Court of Alabama’s insistence, the Rule 7 subcommittee conducted a wide-ranging survey of Alabama citizens to gauge how the public perceives lawyer advertising and what information people consider important when choosing legal representation.

The results strongly supported the proposed changes. For example:

- Over 90 percent said it’s important to know if a lawyer in an ad is licensed in Alabama.
- Over 75 percent said it matters whether the lawyer has an office in their community.
- Around 80 percent want to know if a lawyer lives out of state.
- More than 80 percent want context about advertised verdicts and settlements.

- Nearly two-thirds want assurance that the lawyer in the ad will personally handle their case.

These figures provided empirical support for the new rules and advanced a substantial state interest in protecting the public from misleading or deceptive advertising. What these rules do not do – because constitutionally they cannot – is attempt to broadly ban lawyer advertisements simply because the content might appear unprofessional or undignified.

## Next Step

The Supreme Court of Alabama issued an order on May 13, 2025, adopting the new rule changes. The Court has set an effective date for the new rules of Jan. 1, 2026. In the meantime, if you have any questions related to the new rules, please contact the Office of General Counsel via telephone or email at [ethics@alabar.org](mailto:ethics@alabar.org).

## Lastly, a Final Note

It cannot be understated how much work all the lawyers on the Rule 7 subcommittee performed in researching, editing, and analyzing material in an effort to arrive at the final product. A special thank you is extended to the Co-Chairs, Michael Upchurch and Harlan Prater, both of whom worked on this mission from the very beginning and were tasked with keeping a difficult project moving. The Supreme Court of Alabama also provided invaluable guidance and direction on important points throughout the process. ▲



Roman A. Shaul

Roman A. Shaul is General Counsel for the Alabama State Bar. He previously served as a trial judge in Montgomery County and practiced law for nearly two decades before that.





# ELEVATE YOUR MENTAL WELL-BEING

The Alabama State Bar has partnered with BetterHelp to support lawyer well-being by providing members resources to help maintain their fitness to practice law.

Get one month of online mental health therapy at no cost!\*. After that, get 15% off BetterHelp services through your ASB membership.

Scan the QR code below or visit [alabar.org](http://alabar.org) to take advantage of this benefit and get matched with a licensed therapist based on your preferences and needs.



\*Before talking to a therapist, you will be asked to submit a valid payment method. You will not be charged if you cancel within one month.

\*\* The Alabama State Bar will not know who is receiving counseling and will not have access to counseling or other personal data provided to BetterHelp.





By Othni J. Lathram and Zachary A. Kervin

# 2025 Legislative Recap



**The 2025 Regular Session of** the Alabama Legislature was noteworthy again. During this session, there were 781 general bills, 169 local bills, and 18 proposed constitutional amendments introduced, for a total of 968 bills. At the end of the session, there were 310 total bills that were enacted, including 214 general bills, 91 local bills, and 5 proposed constitutional amendments. Of the 214 general bills that became law, 167 passed without a dissenting vote, 28 more passed with fewer than five dissenting votes, and a mere six acts were passed on a party line basis.

Given the volume of acts adopted, this article will only summarize select acts that are most likely to be encountered by practitioners in this state. Highlighted practice areas include Alcohol, Tobacco, and THC; Business and Financial Institutions; Consumer Protection; Courts; Crimes and Offenses; Criminal Procedure; Economic Development; Education; Elections, Voting, and Campaigns; Government Administration; Health; Insurance; Labor and Employment; Law Enforcement and Public Safety; Military and Veterans Affairs; Prisons; Property; Taxation; and Transportation.



Summaries of every general act can be found on the website of the Alabama Legislature at <https://alison.legislature.state.al.us/> under the Legislative Services Agency (LSA) Legal Division Publications.

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## **Alcohol, Tobacco, and THC - Consumable Hemp Products (Act 2025-385, HB445)**

### **Representative Andy Whitt**

This act: (1) imposes testing and labeling requirements on all consumable hemp products sold in this state; (2) authorizes the Alabama Alcoholic Beverage Control Board to license retailers of those products; (3) prohibits a retail establishment from selling consumable hemp products unless the retailer is licensed by the ABC Board and meets certain recordkeeping, reporting, storage, signage, and other requirements; (4) requires such a license to be annually renewed; (5) prohibits the sale of a consumable hemp product to anyone under 21 years of age; (6) imposes an excise tax of 10 percent on consumable hemp products and provides for the distribution of tax proceeds; (7) creates the Consumable Hemp Product Compliance Fund, to be administered by the ABC Board, and provides for expenditures of the fund; (8) authorizes the board to seize unlawful consumable hemp products; and (9) provides civil and criminal penalties for violations. Beginning July 1, 2025, this act also: (1) prohibits the sale of smokeable hemp products; and (2) prohibits online sales and direct delivery of consumable hemp products. This act repeals Section 13A-12-214.4, Code of Alabama 1975, relating to the sale of psychoactive cannabinoids. Effective July 1, 2025.

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## **Alcohol, Tobacco, and THC - Educational Tourism Distillery Licenses (Act 2025-413, SB316)**

### **Senator Bobby Singleton**

This act: (1) authorizes the Alabama Alcoholic Beverage Control Board to issue an educational tourism distillery license authorizing eligible liquor manufacturers to sell certain alcoholic beverages at retail for on-premises consumption and provide tours of its facility; (2) taxes this manufactured liquor at the same rate as liquor sold at ABC stores; (3) allows licensees to store manufactured liquor at an approved site away from the manufacturing facility; (4)

provides for a licensure fee of \$1,000 for an educational tourism distillery license; and (5) authorizes a small farm winery to transport to and sell its wine at a licensed educational tourism distillery. Effective Oct. 1, 2025.

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## **Alcohol, Tobacco, and THC - Electronic Nicotine Delivery Systems (Act 2025-403, HB8)**

### **Representative Barbara Drummond**

This act: (1) imposes a \$150 fee to obtain a retail permit to sell tobacco, tobacco products, and non-vapor based alternative nicotine products, which permit also authorizes the permit holder to sell certain FDA-approved electronic nicotine delivery systems and e-liquids; (2) increases the fines and administrative penalties for retailers who violate the sale, advertising, and permitting requirements; (3) further provides for the ABC Board's authority to seize and dispose of prohibited tobacco and ENDS products; (4) establishes the Vaping Licensing and Enforcement Fund for the deposit of all fees and funds collected by the ABC Board to be distributed for enforcement and drug education; (5) revises the signage standards for retailers of ENDS products; (6) allows the manufacturer of an ENDS product containing nicotine derived from a source other than tobacco who applied for an FDA marketing order by May 14, 2022, to be added to the ENDS Directory maintained by the Department of Revenue for retail sale in the state; (7) provides that, except for FDA-approved ENDS products, all ENDS products otherwise authorized for sale in the state must be sold by a permitted specialty retailer of ENDS products, subject to an annual \$1,000 permit fee; (8) requires patrons to be 21 years of age or older to enter the retail establishment of a specialty retailer of ENDS products and requires permittees to implement a third-party age verification system; (9) provides that in order for an ENDS product to be added to the ENDS Directory, it must be manufactured in the United States or have received a marketing order by the FDA; (10) requires the State Board of Education, by Sept. 1, 2025, to adopt a model policy, which must be adopted by each local board, for the establishment of a vape awareness, education, and prevention program to prohibit the possession and use of tobacco and ENDS products in public K-12 schools; (11) requires the model policy to include a graduated series of consequences for violations; and (12) requires the State Department of Education, in coordination with the Drug Education Council and subject to approval by the state board, to establish a vap-



ing awareness, education, and prevention class. This act also repeals Sections 28-11-15 and 28-11-19, Code of Alabama 1975, relating to the sale of tobacco products and electronic nicotine delivery systems. Effective June 1, 2025.

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## **Business and Financial Institutions - Alabama Business Nonprofit Entity Code (Act 2025-281, HB200)**

### **Representative Cynthia Almond**

This act: (1) codifies practices relating to electronic filing, name reservation, independent legal significance; (2) further provides for the current practice of approving and authorizing agreements; (3) provides a ratification process for documents that were not properly approved; (4) further provides for termination fees and other consequences in merger agreements; (5) further provides for the practice of naming merger agreements; (6) provides a simplified purchase process upon the death or disqualification of a stockholder or member of a professional corporation, limited liability company, or partnership; and (7) provides for the transfer of a transferable interest upon the death of a holder, with or without consideration, subject to outstanding charging orders and subject to the rights of creditors. Effective Aug. 1, 2025.

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## **Consumer Protection - Obscene Material Filter on Tablets and Smartphones (Act 2025-406, SB186)**

### **Senator Clyde Chambliss**

This act: (1) requires certain tablets and smartphones to automatically activate an obscene material filter if the user is a minor upon setup; (2) provides requirements for use and deactivation of the filter; (3) provides civil liability for persons other than a minor's guardian who deactivate a filter, resulting in a minor's access to obscene material; and (4) authorizes the Attorney General to bring an action against a person or manufacturer that violates these requirements. Effective Oct. 1, 2025.

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## **Courts - Accountability Courts (Act 2025-183, SB200)**

### **Senator Andrew Jones**

This act: (1) renames "drug courts" to "accountability courts"; (2) expands the scope of accountability courts to

include veterans and offenders in need of substance abuse or mental health services; (3) revises the definition of "offender" for purposes of eligibility for an accountability court program to include individuals charged or convicted of a drug-related offense and individuals or veterans charged with or convicted of an offense for which substance abuse or the offender's mental illness is a significant factor in the commission of the offense; (4) removes various statutory procedures relating to the operation of drug courts and requires the Administrative Office of Courts, rather than the Alabama Supreme Court, to adopt policies relating to the creation and operation of accountability courts; (5) provides for the transfer of offenders from any municipal court which does not have its own municipal accountability court; and (6) renames this chapter the Honorable Pete Johnson Alabama Accountability Court Act. This act also repeals Section 12-23A-7, Code of Alabama 1975, relating to drug testing procedures. Effective Oct. 1, 2025.

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## **Courts - Speedy Trial Act; Visiting Judges (Act 2025-322, HB307)**

### **Representative Jim Hill**

This act: (1) authorizes and provides procedures for the Chief Justice of the Alabama Supreme Court to appoint a sitting or retired circuit judge to temporarily serve as a visiting judge for cases arising from one or more violent offenses in certain circumstances; (2) provides for the compensation, duties, and powers of visiting judges; (3) creates the Speedy Trial Fund within the State Treasury, which may be used at the discretion of the Chief Justice for expenses under this act; and (4) authorizes presiding circuit judges to reassign cases to other judges within the circuit. Effective June 1, 2025.

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## **Crimes and Offenses - Aniah's Law Expansion (Act 2025-227, SB118)**

### **Senator Will Barfoot**

This act proposes an amendment to the Constitution of Alabama of 2022, to expand the list of offenses for which a judge may deny bail to include: (1) solicitation, attempt, or conspiracy to commit murder; and (2) shooting or discharging a firearm, explosive, or other weapon into an occupied dwelling, space, or vehicle. Effective upon ratification.



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## **Crimes and Offenses - Impersonating a Peace Officer (Act 2025-62, SB115)**

### **Senator Clyde Chambliss**

This act expands the crime of impersonating a peace officer to include: (1) a person who accepts employment as a peace officer knowing that he or she is not eligible or that his or her certification is revoked or suspended; and (2) a person who employs, appoints, or facilitates a person to serve as a peace officer when he or she knows the person is prohibited from serving as a peace officer. Effective Oct. 1, 2025.

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## **Crimes and Offenses - Orders of Limited Relief and Certificates of Employability (Act 2025-388, SB138)**

### **Senator Rodger Smitherman**

This act: (1) creates a presumption of rehabilitation and fitness for obtaining certain occupational licenses if an individual has been granted an order of limited relief; (2) prohibits a sex offender or individual convicted of a violent offense from obtaining an order of limited relief; (3) provides immunity from certain claims to employers that hire individuals who have been granted an order of limited relief; (4) establishes circumstances for which an occupational licensing board may not deny an application for licensure due to the applicant's criminal record, including if a criminal conviction is not directly related to the duties and responsibilities of the occupation; (5) establishes a process for an individual convicted of a crime to request that an occupational licensing board determine whether the conviction disqualifies the individual from licensure; (6) requires the Board of Pardons and Paroles to create a certificate of employability for individuals under the custody of the Department of Corrections who meet eligibility requirements related to workplace readiness; and (7) provides immunity to certain employers that hire individuals who have been granted a certificate of employability. Effective Oct. 1, 2025.

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## **Crimes and Offenses - Possession of Parts Intended to Convert Pistol into Machine Gun (Act 2025-54, SB116)**

### **Senator Will Barfoot**

This act: (1) prohibits the possession of a part or combination

of parts designed and intended to convert a pistol into a machine gun; (2) provides that a violation is a Class C felony; (3) provides exceptions for law enforcement officers acting in an official capacity, parts that are registered in the National Firearms Registration and Transfer Record, and parts that do not enable a semiautomatic pistol to fire more than two shots by a single function of the trigger; and (4) defines the term "machine gun." Effective March 19, 2025.

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## **Crimes and Offenses - Unlawful Possession and Sale of Inhalants (Act 2025-65, SB78)**

### **Senator April Weaver**

This act: (1) creates the crime of unlawful possession of inhalants; (2) provides that any person who inhales, ingests, uses, or possesses butyl nitrite, nitrous oxide, amyl nitrite, or any mixture thereof has committed unlawful possession of inhalants and is guilty of a Class A misdemeanor; (3) creates the crime of unlawful sale of inhalants; (4) provides that any person who produces, manufactures, sells, offers for sale, or transfers any compound, liquid, gas, or chemical which contains butyl nitrite, nitrous oxide, amyl nitrite, or any mixture thereof has committed unlawful sale of inhalants and is guilty of a Class D felony; and (5) creates exceptions to both crimes for certain purposes, provided that the presence of a flavoring creates a rebuttable presumption against the exceptions. Effective Oct. 1, 2025.

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## **Criminal Procedure - Electronic Monitoring of Allegedly Delinquent Children (Act 2025-422, HB199)**

### **Representative Travis Hendrix**

This act: (1) authorizes the Board of Pardons and Paroles or other state agency to electronically monitor certain allegedly delinquent children when released from custody; (2) requires the electronic monitoring of an allegedly delinquent child who has been convicted of at least three prior felony offenses; and (3) further provides for up to an additional seven days of detainment in a juvenile detention facility of a status offender who violates a court order for a second or subsequent violation. Effective Oct. 1, 2025.



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## **Criminal Procedure - Fingerprinting and DNA Collection (Act 2025-306, SB63)**

### **Senator Lance Bell**

This act: (1) requires law enforcement agencies to collect a full set of fingerprints and a known DNA reference sample from an illegal alien in its custody, if a sample has not previously been collected; (2) defines the term “illegal alien”; and (3) for fiscal year 2026 and thereafter, raises the fee that shall be assessed and collected upon the issuance of certain arrest warrants and bond forfeiture procedures from \$12 to \$15. Effective June 1, 2025.

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## **Criminal Procedure - Split Sentences (Act 2025-381, HB43)**

### **Representative Jim Hill**

This act: (1) increases the threshold for when a judge may split the sentence of an offender from 20 years or less to 30 years or less; (2) authorizes the judge to suspend an offender’s sentence after he or she has been confined for at least 10 years, provided the defendant is placed on probation, in cases where a defendant is convicted of a Class A, Class B, or Class C felony and the imposed sentence is between 20 and 30 years; and (3) authorizes the judge to require such an offender to complete an accountability court. Effective Oct. 1, 2025.

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## **Economic Development - Powering Growth Act; Alabama Energy Infrastructure Bank (Act 2025-394, SB304)**

### **Senator Arthur Orr**

This act: (1) creates the Alabama Energy Infrastructure Bank within the State Industrial Development Authority to issue up to \$1 billion in bonds to provide loans and other financial assistance for eligible energy infrastructure projects that support economic growth; (2) provides for the duties, responsibilities, and sources of capitalization and liability of the bank; (3) provides conditions under which the bank may issue bonds; (4) creates the Alabama Energy Infrastructure Fund within the State Treasury to receive certain funds and all proceeds from the revenues of the energy bank; (5) creates the Strategic Energy Infrastructure Development Fund within the State Treasury, which the authority may manage and use for certain purposes, including to purchase or obtain lead-time energy infrastructure equipment and provide funding for site-specific infrastructure

development; (6) provides procedures for electric providers and economic development prospects to apply for funding under this act; and (7) requires the authority to submit an annual report on the activities of the energy bank and the use of the development fund to the Governor and the Legislature. Effective June 1, 2025.

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## **Education - Dual Enrollment (Act 2025-66, HB102)**

### **Representative Jeana Ross**

This act: (1) requires local education agencies to permit an enrolled high school student to enroll in any dual enrollment course offered by a local community college or university which is approved for dual credit by the State Department of Education; (2) provides for the obligations of the local education agency, student, and local community college or university; and (3) requires the department, with input from the Alabama Community College System and universities, to prepare and distribute guidelines related to this act. Effective Aug. 1, 2025.

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## **Education - Move on When Ready Act (Act 2025-412, SB196)**

### **Senator Arthur Orr**

This act: (1) establishes and provides procedures for a program allowing eligible 11th and 12th grade public school students to fully enroll in an eligible public institution of higher education; (2) provides that a student enrolled in the program may receive secondary high school credit for courses completed at the eligible public institution of higher education, which shall be counted toward the student’s high school graduation requirements; (3) creates the Move on When Ready Fund and provides for the allotment of funds; (4) authorizes the State Board of Education, in consultation with the Alabama Community College System Board of Trustees, to adopt rules administering the program; and (5) provides that enabling an eligible institution to receive a wrongful payment under the program is a misdemeanor. Effective July 1, 2026.

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## **Education - Public Education Employee Injury Compensation Program (Act 2025-223, SB1)**

### **Senator Sam Givhan**

This act: (1) creates the Public Education Injury Compensation program to provide compensation to full-time



public education employees who are injured on the job, subject to certain procedures and regulations; (2) creates the Public Education Employee Injury Compensation Trust Fund; (3) creates the Public Education Employee Injury Compensation Board to administer the program; (4) provides for the duties of the board; (5) expands the definition of “employee” to include an adult bus driver; and (6) excludes certain mental disorders that are not proximately caused by physical injury from the definition of “on-the-job injury.” Effective April 24, 2025.

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## **Education - Renewing Alabama’s Investment in Student Excellence (RAISE) Act; Additional Funding for Public K-12 Schools (Act 2025-257, SB305)**

### **Senator Arthur Orr**

This act: (1) establishes the RAISE Program and the non-reverting RAISE Fund in the State Treasury to provide additional funding for certain public K-12 schools; (2) provides weighted allocations based on the educational needs of the student population for use in calculating the funding available to a local educational agency (LEA); (3) requires each LEA to produce an accountability plan and report analyzing the previous year’s progress on student groups receiving weighted allocations; (4) establishes the RAISE Act Review Committee to review the progress of the act and provide revisions for continuous improvement; (5) establishes a RAISE Act Accountability and Implementation Board to establish a hearing process to monitor the progress of LEAs to ensure RAISE Funds are spent effectively; and (6) requires the State Department of Education to develop both a unified application for all state and federal funding programs and reporting and a professional learning series on the RAISE Act. Effective June 1, 2025.

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## **Education - Restoring Educational Advancement of Completing High School (REACH) Act; Nontraditional High School Diploma Option (Act 2025-326, HB266)**

### **Representative Matt Woods**

This act: (1) requires the Alabama Community College System (ACCS), in collaboration with the State Superintendent of Education, to establish a nontraditional high school diploma option for students who have withdrawn from high school and are at least 18 years of age; (2) requires ACCS to

track program participation and annually submit a report about the effectiveness of the program to certain state legislators; (3) authorizes the Board of Trustees of ACCS and the State Board of Education to adopt rules to implement the program; (4) expands the information provided to students who withdraw from public school to include information about adult education programs, including the non-traditional high school diploma option; (5) requires local high schools to provide withdrawing students with copies of their academic records; (6) requires each local education agency to submit a quarterly report to the State Department of Education with student withdrawal data, which the department shall share with ACCS; and (7) includes proof of participation in a nontraditional high school diploma option as a reason to allow an individual under 19 years of age to receive a driver or learner license. Effective June 1, 2025.

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## **Education - School Resource Officers in Nonpublic Schools (Act 2025-46, SB4)**

### **Senator Chris Elliott**

This act: (1) authorizes a sheriff and county commission or a local chief of police and city council to contract with a nonpublic school to provide school resource officers, provided no such contract may be entered into until a school resource officer is available to every public school system in the county or municipality; (2) requires nonpublic schools to fully reimburse the county commission or city council for the cost of the school resource officer; (3) conditions the contract on the nonpublic school’s proof of liability insurance that meets certain requirements; (4) authorizes an off-duty law enforcement officer, in his or her personal capacity, to contract with or be employed by a nonpublic school; and (5) defines the term “nonpublic school.” Effective June 1, 2025.

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## **Education - Wireless Communication Devices in Public K-12 Schools (Act 2025-386, HB166)**

### **Representative Leigh Hulsey**

This act: (1) prohibits any public K-12 student from using or possessing any wireless communication device on school grounds during the instructional day, with exceptions; (2) requires each local board of education to adopt a wireless communication device policy and an Internet safety policy; (3) requires the Department of Education to assess compliance with this act and local wireless communication device policies via a survey, the results of which must be published;



and (4) requires the State Department of Education to develop a course addressing safe social media use and to require each local board of education to deliver the course to students. This act also repeals Section 16-1-27, Code of Alabama 1975, relating to the use of electronic communications devices on school property. Effective May 14, 2025.

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## **Elections, Voting, and Campaigns - Boards of Registrars (Act 2025-22, SB48)**

### **Senator Bobby Singleton**

This act: (1) provides additional qualifications for boards of registrars; (2) increases the salary of registrars from \$80 per day for each day's attendance upon business of the board to \$115 per day; and (3) requires boards to be open and staffed during either the same hours as the county courthouse or established regular hours of operation. Effective Oct. 1, 2025.

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## **Elections, Voting, and Campaigns - Primary Elections in Off-Presidential Years (Act 2025-283, HB258)**

### **Representative Jim Carns**

This act changes the primary election in off-presidential years from the fourth Tuesday in May to the Tuesday in May preceding Memorial Day. Effective May 6, 2025.

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## **Elections, Voting, and Campaigns - Statements of Economic Interest (Act 2025-282, HB250)**

### **Representative Kerry Underwood**

This act: (1) revises the deadline for a candidate at any level of government to file a statement of economic interest with the State Ethics Commission; and (2) if a candidate has already submitted a statement of economic interest for a reason other than candidacy, allows the candidate to submit proof of prior submission rather than a new statement. Effective Oct. 1, 2025.

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## **Elections, Voting, and Campaigns - Use of Foreign National Driver License (Act 2025-307, SB158)**

### **Senator Will Barfoot**

This act prohibits the use of a foreign national driver license as a photo identification for purposes of voting. June 1, 2025.

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## **Government Administration - Advertisements of Contracts of Public Works (Act 2025-383, HB320)**

### **Representative Chris Pringle**

This act: (1) requires the Department of Finance to establish and maintain a centralized website to provide publicly accessible notice of advertisement for sealed bids of public works involving an amount in excess of \$100,000; (2) requires an awarding authority to advertise on the centralized website, with exceptions for certain counties, political subdivisions, or instrumentalities thereof; (3) revises the required advertisement period, depending on the type of awarding authority; and (4) creates the Study Commission on Public Notice of Title 39 Advertisements to study and make recommendations regarding the centralized website. Section 1 of this act is effective Oct. 1, 2025, and Section 2 of this act creating the study commission is effective June 1, 2025.

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## **Government Administration - Adult-Size Changing Tables (Act 2025-171, SB83)**

### **Senator Arthur Orr**

This act: (1) requires each public entity that constructs a new public restroom or totally renovates an existing public restroom on or after Jan. 1, 2028, to ensure the inclusion of an adult-size changing table if certain conditions are met; (2) exempts entities from the requirement in certain circumstances, such as if the installation is not feasible or threatens a historic property, the property is not frequented by the public, or the entity is a public K-12 school or public institution of higher education; (3) limits the requirement to renovations valued at \$500,000 or more, provided that the Chief Examiner shall adjust the amount based on any increases in the Consumer Price Index; and (4) provides for the appropriation of funds for the installation of adult-size changing tables required by this act. Effective Oct. 1, 2025.

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## **Government Administration - Definitions of Sex-Based Terms (Act 2025-3, SB79)**

### **Senator April Weaver**

This act: (1) defines the terms "boy," "father," "female," "girl," "male," "man," "mother," "woman," and "sex" for purposes of the Code of Alabama 1975; (2) prohibits discrimination based on sex; (3) authorizes the state and its political subdivisions to establish single-sex spaces; and



(4) requires public entities that collect vital statistics related to sex as male or female to identify each individual as male or female as observed at birth, except when sex cannot be medically determined. Effective Oct. 1, 2025.

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## **Health - Consent for Medical Treatment (Act 2025-455, SB101)**

### **Senator Larry Stutts**

This act: (1) raises the age at which a minor may consent to medical, dental, and mental health services from 14 to 16 years of age, with exceptions for certain classes of minors and certain types of treatment; (2) prohibits health care providers or governmental entities from denying a legal guardian access to their minor child's health information under certain circumstances, with exceptions; and (3) establishes the fundamental right and duty of parents to make decisions concerning furnishing health care services to their minor child. Effective Oct. 1, 2025.

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## **Health - Nonprofit Agricultural Organization Health Benefits (Act 2025-296, HB477)**

### **Representative David Faulkner**

This act: (1) authorizes a nonprofit agricultural organization to offer health benefits to its members and their families, provided that the health benefits must include coverage for certain services and meet other requirements; (2) requires an organization that offers health benefits under this act to consult with the Department of Insurance to designate an ombudsman to respond to complaints, which may be reviewed by the department; (3) requires individuals applying for health benefits under this act to acknowledge that the benefits are not provided through an insurance policy; and (4) imposes a tax of 1.3 percent per annum on premiums collected by the nonprofit agricultural organization. Effective June 1, 2025.

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## **Health - Presumptive Eligibility for Medicaid for Pregnant Women (Act 2025-204, SB102)**

### **Senator Linda Coleman-Madison**

This act: (1) provides presumptive eligibility for Medicaid to pregnant women who have not been formally approved for Medicaid coverage but who submit proof of pregnancy and household income information for up to

60 days; (2) requires a woman with presumptive eligibility to apply for Medicaid within a certain time frame; and (3) requires the Alabama Medicaid Agency to adopt rules. This act will be repealed on Oct. 1, 2028. Effective Oct. 1, 2025.

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## **Health - The Community Pharmacy Relief Act; Pharmacy Benefits Managers (Act 2025-136, SB252)**

### **Senator William Beasley**

This act prohibits pharmacy benefits managers (PBMs) or PBM affiliates from taking certain actions toward a pharmacy or pharmacist, including: (1) engaging in steering or spread pricing in certain conditions; (2) preventing a pharmacy or pharmacist from declining to dispense a drug if the reimbursement amount would be lower than the dispensing cost and retaliating for such a denial; (3) charging any fees related to network participation, credentialing, change of ownership, and claims processes; (4) restricting the relevant information about a prescription drug which may be made available to covered individuals; and (5) penalizing or retaliating against a pharmacy or pharmacist. This act: (1) provides minimum amounts that PBMs must reimburse independent pharmacies and prohibits certain efforts meant to recoup the dispensing cost portion of the reimbursement; and (2) requires PBMs to pass on 100 percent of all rebates received from pharmaceutical manufacturers under certain circumstances. This act also authorizes the Commissioner of Insurance to: (1) enforce this act, including any violations by a PBM or a PBM affiliate while conducting an audit under the Pharmacy Audit Integrity Act; and (2) impose civil penalties for a violation of this act independently or in connection with an audit under the Pharmacy Audit Integrity Act. Section 3 of this act, relating to minimum reimbursements, is effective Oct. 1, 2025. The remaining sections of this act are effective April 15, 2025.

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## **Insurance - Surplus Line Broker License (Act 2025-271, SB97)**

### **Senator Wes Kitchens**

This act: (1) requires that an application for a license as a surplus line broker must be submitted on a form designated by the Commissioner of Insurance; (2) specifies that the application fee be paid to the commissioner; and (3) provides for the expiration of a license on Dec. 31 next after its issue. Effective May 5, 2025.



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## **Labor and Employment - Portable Benefit Act; Portable Benefit Accounts (Act 2025-119, SB86)**

### **Senator Arthur Orr**

This act: (1) authorizes independent contractors to establish portable benefit accounts to fund the purchase of one or more benefit plans, including, but not limited to, health benefits, income replacement insurance, life insurance, or retirement benefits; (2) provides for contributions to a portable benefit account; and (3) provides that contributions to portable benefit accounts are tax deductible as a business expense for a hiring party and as an adjustment to income for an individual. Effective Dec. 31, 2025.

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## **Law Enforcement and Public Safety - Immunity of Law Enforcement Officers (Act 2025-423, HB202)**

### **Representative Rex Reynolds**

This act: (1) immunizes law enforcement officers from civil liability for certain conduct performed within an officer's discretionary authority, with exceptions; (2) sets parameters for procedures relating to a civil action against a law enforcement officer and the assertion of immunities; (3) entitles an officer to mandamus relief from an improperly denied assertion of this immunity; (4) provides that this immunity is retroactive, supplemental to other protections, and limited in scope; (5) provides sheriff deputies with the same immunity from civil liability; (6) provides that a law enforcement officer is justified in using physical force against a person if the use is within the officer's discretionary authority and does not violate the person's right to be free from excessive force; (7) immunizes an officer who uses such justified force from related criminal prosecution; (8) provides procedures for the assertion of this immunity; (9) entitles an officer to mandamus relief from an improperly denied assertion of this immunity; (10) requires law enforcement agencies to collect certain information regarding the use of force by its officers; and (11) establishes the Joint Legislative Study Commission on Law Enforcement Legal Protections to study and provide a report on the effects of this act. This act also repeals Section 6-5-338, Code of Alabama 1975, relating to immunity of peace officers. Effective Oct. 1, 2025.

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## **Law Enforcement and Public Safety - Lakyn Canine Act; Emergency Medical Care and Transportation to Police Dogs (Act 2025-327, HB366)**

### **Representative Rick Rehm**

This act: (1) authorizes emergency medical services personnel to provide emergency medical care and transport to police dogs injured in the line of duty; and (2) provides immunity to any emergency medical services personnel who act in good faith to provide emergency medical care to a police dog or who refuses to treat or transport an injured police dog. Effective Oct. 1, 2025.

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## **Law Enforcement and Public Safety - Liability Limited for Community Emergency Response Teams (Act 2025-63, SB47)**

### **Senator Bobby Singleton**

This act limits the civil liability of individuals who are affiliated with or members of community emergency response teams who have completed community emergency response training that is recognized by the Federal Emergency Management Agency for rendering care. Effective Oct. 1, 2025.

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## **Law Enforcement and Public Safety - Lulu Gribbin Shark Alert System Act (Act 2025-293, HB437)**

### **Representative David Faulkner**

This act: (1) establishes a shark alert system for Baldwin and Mobile counties, to be activated via wireless emergency alert when the Department of Conservation and Natural Resources receives a confirmed report of an unprovoked shark attack; and (2) provides for the development, implementation, and operation of the alert system by the department with assistance of other agencies and political subdivisions. Effective Oct. 1, 2025.



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## **Law Enforcement and Public Safety - The Houston/Hunter Act; Firearm Hold Agreements (Act 2025-93, SB40)**

### **Senator Keith Kelley**

This act: (1) defines the term “firearm hold agreement” as a private transaction between a federal firearm licensee and a lawful firearm owner where the licensee agrees, at the owner’s request, to take physical possession of the firearm, hold the firearm for an agreed period of time, and return the firearm to the owner; and (2) provides civil immunity for federal firearm licensees who enter into firearm hold agreements, unless certain unlawful conduct occurs. Effective June 1, 2025.

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## **Law Enforcement and Public Safety - Sex Offenders Prohibited from Being First Responders (Act 2025-201, HB27)**

### **Representative Kerry Underwood**

This act: (1) prohibits sex offenders from being employed or volunteering as a first responder; and (2) defines the term “first responder” to include a paramedic, firefighter, rescue squad member, emergency medical technician, or other similar individual. Effective Oct. 1, 2025.

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## **Military and Veterans Affairs - Alabama Veterans Resource Center Act (Act 2025-20, SB70)**

### **Senator Andrew Jones**

This act: (1) provides for the formation of the Alabama Veterans Resource Center as a public corporation to provide comprehensive support services to veterans and their families; (2) provides for the membership and duties of the board of directors of the center; (3) authorizes the board of directors to enter into contracts, employ staff, and manage and expend funds without compliance with competitive bid laws; (4) creates the Alabama Veterans Resource Center Fund in the State Treasury; and (5) provides for the dissolution of the center upon three-quarters vote of the board. Effective June 1, 2025.

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## **Prisons - Alabama Corrections Institution Finance Authority Bond Limit In- crease (Act 2025-107, SB60)**

### **Senator Greg Albritton**

This act authorizes the Alabama Corrections Institution Finance Authority to increase the total amount of bonds issued to implement the existing prison modernization plan from \$785,000,000 to \$1,285,000,000. Effective July 1, 2025.

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## **Property - Revised Small Estates Act (Act 2025-431, HB164)**

### **Representative David Faulkner**

This act: (1) increases the amount of small estates that may be summarily distributed under the Revised Small Estates Act, as adjusted based on the Consumer Price Index; (2) revises the procedures and required information for petitioning for summary distribution; (3) provides that persons may petition a summary distribution during its pendency to receive certain entitlements from the estate and for the distribution of the remaining of estate; (4) provides for relief from fraud relating to summary distribution of small estates; and (5) grants the probate court jurisdiction over the small estate distribution process. Effective Oct. 1, 2025.

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## **State Government - Paid Parental Leave for State Employees (Act 2025- 81, SB199)**

### **Senator Vivian Figures**

This act: (1) provides eight weeks of paid parental leave for female state and education employees and two weeks of paid parental leave for male state and education employees in connection with the birth, stillbirth, or miscarriage of a child; (2) provides eight weeks of paid parental leave for state and education employees in connection with the adoption of a child three years of age or younger, except that if both adoptive parents are eligible for leave, one may receive eight weeks and the other may receive two; (3) provides for return-to-work procedures, provisions, and agreements; (4) authorizes parental leave to be used intermittently, subject to limitations; (5) requires paid parental leave to run concurrently with FMLA leave; (6) requires the State Personnel Department,



the State Board of Education, and the Board of Trustees of the Alabama Community College System to adopt rules; and (7) removes a provision authorizing state employees to receive donated leave for maternity or adoption. Effective July 1, 2025.

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## **Taxation - Baby and Feminine Products (Act 2025-304, HB152)**

### **Representative Neil Rafferty**

This act: (1) exempts certain baby supplies, baby formula, maternity clothing, diapers, and menstrual hygiene products from state sales and use tax; (2) authorizes local governing bodies to approve the exemption for county or municipal sales or use taxes; and (3) requires the Alabama Department of Revenue to adopt rules. Effective Sept. 1, 2025.

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## **Taxation - Rural Hospital Investment Program; Tax Credit for Donations to Eligible Hospitals (Act 2025-404, HB86)**

### **Representative Terri Collins**

This act: (1) establishes the Rural Hospital Investment Program, which creates a tax credit for certain qualified donations to eligible rural hospitals; (2) provides criteria for hospitals relating to eligibility and use of donated funds; (3) establishes the Rural Hospital Investment Program Board to develop and operate the program and compile and make available certain related information; (4) sets a maximum statewide limit on the credit, based on filing status; and (5) provides the tax credit may not be claimed after the 2028 tax year. Effective May 14, 2025.

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## **Taxation - Sales Tax Holidays (Act 2025-309, HB315)**

### **Representative Joe Lovvorn**

This act: (1) requires the Department of Revenue to adjust the dollar value of certain covered items exempt from current sales tax holidays based on changes in the Consumer Price Index; and (2) increases the time frame for a local government to pass a resolution to adopt such

exemptions for local sales taxes from 30 to 90 days prior to the third full week in July. Effective Oct. 1, 2025.

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## **Taxation - Sales Tax on Food (Act 2025-305, HB386)**

### **Representative Danny Garrett**

This act: (1) reduces the state sales and use tax on food to two percent on Sept. 1, 2025; and (2) removes restrictions on when a county or municipal governing body may reduce their sales and use tax on food. Effective June 1, 2025.

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## **Transportation - Vehicle Weight Limits (Act 2025-272, SB110)**

### **Senator Jack Williams**

This act: (1) provides that vehicle operators may proceed to certain platform scales when the operator believes the portable scales used to enforce vehicle weight limits on state highways are inaccurate; (2) provides that no more than five vehicles may be detained at any one time when using portable scales to enforce vehicle weight limits; and (3) revises the authority of certain officers when enforcing vehicle weight limits. Effective Oct. 1, 2025. ▲



**Othni J. Lathram**

*Director, Legislative Services Agency*

Othni J. Lathram is Director of Alabama's Legislative Services Agency, which provides nonpartisan research, drafting, and support to the Legislature. He has assisted in drafting numerous ethics laws and other proposals for state policymakers. He is a graduate of Auburn University and the University of Alabama School of Law.



**Zachary A. Kervin**

*Attorney, Legislative Services Agency*

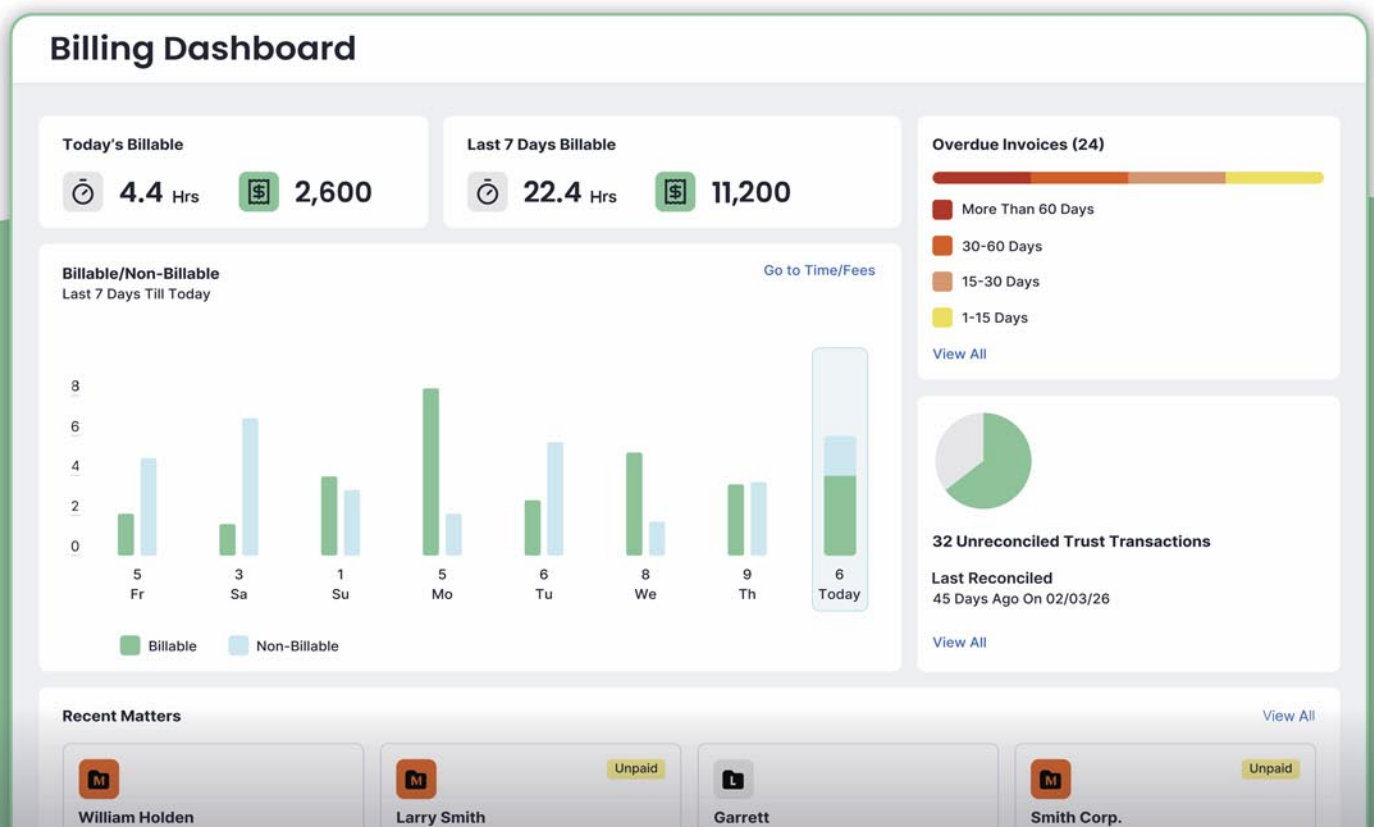
Zachary A. Kervin is a legislative attorney with the Legislative Services Agency. He drafts legislation and advises upon matters relating to his primary areas of legislative privilege, environmental, firearms, animals, and boards and commissions. He is a graduate of Cumberland School of Law.





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### NOTICE

#### DISCIPLINARY PROCEEDINGS

- **Kenneth Edward Sexton, II**, who practiced law in Birmingham, Alabama and whose whereabouts are unknown, must answer the Alabama State Bar's formal disciplinary charges within twenty-eight (28) days of this publication, or, thereafter, the charges contained therein shall be deemed admitted and appropriate discipline shall be imposed against him in ASB No. 2024-689.

-Disciplinary Board, Alabama State Bar

- **Jason Lee Holly**, who is licensed to practiced law in Alabama and also practiced in Carter County, Tennessee, and whose whereabouts are unknown, must answer the Alabama State Bar's Notice pursuant to Rule 25, Alabama Rules of Disciplinary Procedure, Petition Number 2025-058, within twenty-eight (28) days of this publication, or, thereafter, the charges contained therein shall be deemed admitted and appropriate discipline shall be imposed against him. [Rule 25 Pet. No. 2025-058]

-Disciplinary Board, Alabama State Bar

- **Douglas Allen Trant**, who is licensed to practiced law in Alabama and, prior to disbarment was licensed to practice in Tennessee, and whose whereabouts are unknown, must answer the Alabama State Bar's Notice pursuant to Rule 25, Alabama Rules of Disciplinary Procedure, Petition Number 2025-317, within twenty-eight (28) days of this publication, or, thereafter, identical discipline shall be imposed pursuant to Rule 25, *Alabama Rules of Disciplinary Procedure*. [Rule 25 Pet. No. 2025-317]

-Disciplinary Board, Alabama State Bar



## REINSTATEMENTS:

- **James Bant Atwood, Jr.** of Huntsville, Alabama, was reinstated to the active practice of law in the State of Alabama by order of the Supreme Court of Alabama, effective May 28, 2025. Atwood filed a petition for reinstatement to the active practice of law in the State of Alabama on May 22, 2024, and was subsequently reinstated by order of the Supreme Court of Alabama. [Rule 28, Pet. No. 2024-629]

## TRANSFER TO INACTIVE STATUS:

- Jasper attorney **Gregory Francis Ellis** was transferred to Inactive Status, effective April 25, 2025, by Order of the Supreme Court of Alabama. The Supreme Court entered its Order based upon the April 25, 2025, Order of Panel III of the Disciplinary Board of the Alabama State Bar in response to Ellis's petition submitted to the Office of General Counsel requesting he be transferred to inactive status. [Rule 27(c), Pet. No. 2025-391]

## DISBARMENTS:

- Mobile attorney **Darryl Tyrone Blackmon** was disbarred from the practice of law in the State of Alabama by order of the Supreme Court of Alabama, effective September 26, 2029. Blackmon was found guilty of violating Rules 1.3 [Diligence], 1.4 [Communication], 1.5(b) [Fees], 1.15 [Safekeeping Property], 1.16(a) [Declining or Terminating Representation], 5.5(a)(1) [Unauthorized Practice of Law], 8.1(b) [Bar Admission and Disciplinary Matters], and 8.4 (c), (d), and (g) [Misconduct], *Alabama Rules of Professional Conduct*. In ASB No. 2023-1213, Blackmon was hired in November 2021 for an expungement of an arrest. Blackmon failed to file the paperwork or take any other action on behalf of his client. In ASB No. 2023-1308, Blackmon was hired to represent a client on a DUI. Blackmon did

not quote the client an hourly rate or a flat fee. Blackmon required the client to pay him random amounts during the representation, for a total of \$820. After securing a continuance in the matter, Blackmon failed to appear at any subsequent hearings. Blackmon was suspended from the practice of law for 91-days on January 25, 2023. Blackmon did not inform his client of his suspension from the practice of law and did not make a refund of the unearned fee. In ASB No. 2023-1330, Blackmon was suspended from the practice of law for 91-days on January 25, 2023. On July 20, 2023, despite being suspended from the practice of law, Blackmon agreed to represent an individual on a legal matter for a fee of \$355. After Blackmon failed to appear in court on her behalf, the individual discovered that Blackmon was suspended from the practice of law. In ASB No. 2023-1550, Blackmon was suspended from the practice of law for 91-days on January 25, 2023. Despite being suspended from the practice of law, Blackmon agreed to represent an individual on March 17, 2023, concerning a child custody case, for a fee of \$750. In September 2023, Blackmon instructed the individual not to appear at court because he would be getting the hearing continued so he could pursue further discovery. Acting on Blackmon's instructions, the individual did not appear at the hearing. As he was suspended from practicing law, Blackmon also failed to appear. As a result, the individual lost custody of her child. In ASB No. 2023-1634, Blackmon was retained to represent a client who was arrested in Mobile for DUI on February 13, 2022. The client paid Blackmon a total of \$1,470 in fees. The matter was continued on several occasions and reset for 2023. Blackmon was suspended from the practice of law for 91-days on January 25, 2023. Blackmon did not inform the client of his suspension from the practice of law. Blackmon did not make a refund of the unearned fee. [ASB Nos. 2023-1180, 2023-1308, 2023-1330, 2023-1550, and 2023-1634]



- Anniston attorney **William Taylor Stewart** was disbarred from the practice of law in the State of Alabama by order of the Supreme Court of Alabama, effective March 28, 2025. The Supreme Court entered its order based on the Disciplinary Board's order accepting Stewart's Consent to Disbarment, which was based upon Stewart's failure to respond to requests for information regarding a disciplinary matter and for providing false information during a disciplinary investigation. [Rule 23(a), Pet. No. 2025-302, Rule 20(a), Pet. No. 2024-1353, ASB Nos. 2023-399, 2023-630, 2024-1037, 2025-086, and 2025-203]
- Mobile attorney **Scott Ledell Tindle** was disbarred from the practice of law in the State of Alabama by order of the Supreme Court of Alabama, effective May 1, 2025. In ASB No. 2023-997, Tindle was found guilty of violating Rules 3.1 [Meritorious Claims and Contentions], 3.3 [Candor Toward the Tribunal], 3.6 [Trial Publicity], 4.1 [Truthfulness in Statements to Others], and 8.4(c), (d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Tindle filed a lawsuit in the U.S. District Court for the Northern District of Alabama on behalf of multiple clients. The lawsuit named approximately 50 defendants, whom Tindle collectively referred to as "The Enterprise." "The Enterprise" was alleged to include judges, lawyers and law firms; all who have connections to the Jefferson County Domestic Relations Court. The lawsuit alleged that defendants engaged in RICO violations, malpractice, false imprisonment, fraud and invasion of privacy. As to one specific defendant, Tindle alleged the attorney suffered from a substance abuse disorder and breached the standard of care. Tindle subsequently appeared as a guest on "Mobile Mornings," a radio talk show to talk about the lawsuit. During the talk show, Tindle specifically named the attorney as a defendant and part of "The Enterprise." Tindle alleged the attorney had previously stated that she was an addict and was not responsible for her actions and as an addict should not have been appointed to cases. Tindle indicated that the attorney's alleged statement was part of the federal court record. Tindle also stated

the attorney is a criminal who thinks that because she's an addict that she is not responsible for her actions. The attorney disputed that she was a criminal and stated she had never been arrested or charged with a crime. In response to the attorney's denial of being a criminal, Tindle stated that her drug use and impairment resulted in her being indicted on four felony charges of Possession of Controlled Substance in 2009, as well as two charges of negotiating worthless instruments in the form of bad checks to a nail salon and Papa John's, also in 2009, all occurring in Limestone County. In support, Tindle provided the entire case action summary of the criminal case he retrieved through Alacourt. However, the case action summary and the criminal case involved a different individual with the same name as the attorney. The news article profiling the attorney did not contain the comments Tindle quoted during the radio talk show. Tindle failed to provide any proof supporting his claims that the attorney was previously arrested and failed to provide any proof supporting his claims that the attorney stated that because she was an addict, she could not be held responsible for her actions.

In ASB No. 2023-1676, Tindle represented a client in a post-divorce matter. Tindle's client's deposition was taken in October 2023. During the deposition, the parties took a break. Upon returning from the break, Tindle alleged that opposing party's new husband had exposed his penis to his client in the men's restroom. When the deposition resumed, the attorney for the ex-wife questioned Tindle's client about the allegation. Tindle's client denied that the ex-wife's new husband had exposed his penis at him in the restroom. Tindle's client testified that there was a divider between them, and he never saw the man's penis. In October 2023, the parties appeared in Criminal Circuit Court on an appeal of a municipal court conviction for Domestic Violence Harassment 3<sup>rd</sup> Degree. Tindle asked the court to remove the attorney from the courtroom because he believed she was a witness in the case. When asked by the court why the woman was a witness, Tindle informed the court that the woman was a witness to his



client's ex-wife's new husband exposing his penis at his client during the deposition in an effort to threaten and harass his client. When questioned about the incident, Tindle falsely informed the court that the incident had occurred and was on the record of the deposition. [ASB Nos. 2023-997 and 2023-1676]

## SUSPENSIONS:

- Birmingham attorney **Kenneth Edward Sexton, II** was suspended from the practice of law in the State of Alabama by the Supreme Court of Alabama for a period of ninety-one (91) days, effective May 7, 2025. The Supreme Court of Alabama entered its order based on the Disciplinary Board's order suspending Sexton from the practice of law in the State of Alabama for a period of ninety-one (91) days. The Disciplinary Board found Sexton guilty of violating Rule 1.1 [Competence], 1.3 [Diligence], 1.4 [Communication], 8.1(b) [Bar Admission and Disciplinary Matters], and 8.4(d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Sexton was retained to represent a client and his company in a lawsuit arising from a purchase of unimproved land. The matter was ordered to arbitration which lasted approximately three years. After the course of the arbitration proceedings, the arbitrator issued multiple sanctions against Sexton and his client for refusing to participate in the arbitration in good faith, failed to attend hearings, and failed to respond to various orders. Sexton failed to appear for multiple hearings and conferences during the arbitration hearings, including Show Cause hearings where he was directed to appear by the arbitrator. Sexton failed to adequately prepare for hearings and failed to respond to multiple motions and orders. Sexton failed to keep his client adequately informed of the proceedings and failed to inform the client when he was required to appear at certain hearings. Sexton failed to inform the client of the final order issued by the arbitrator. Additionally, Sexton failed to respond to formal requests concerning a disciplinary matter. [ASB No. 2022-1003]



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- Birmingham attorney **Anthony Jerome Muhammad** was suspended from the practice of law in the State of Alabama for one-hundred-eighty (180) days. However, Muhammad shall only be required to serve forty-five (45) days of the one-hundred-eighty (180) day suspension. The remainder shall be held in abeyance and Muhammad shall be required to serve a two (2) year probationary term pursuant to Rule 8(h), *Alabama Rules of Disciplinary Procedure*. In addition, Muhammad shall complete the Alabama Practice Management Program and submit quarterly trust account reports to the Office of General Counsel of the Alabama State Bar. The Disciplinary Commission's Order is based on Muhammad's Conditional Guilty Plea wherein Muhammad admitted to violating Rules 1.5 [Fees], 1.15 [Safekeeping Property], 7.1 [Communications Concerning a Lawyer's Services], 7.5 [Firm Names and Letterheads], and 8.4 (g) [Misconduct], *Alabama Rules of Professional Conduct*. Muhammad failed to properly maintain and manage his IOLTA trust account and general ledger. Additionally, as a solo practitioner, Muhammad improperly used the firm name "Muhammad and Associates" and falsely advertised office locations in Birmingham and Montgomery, Alabama despite only maintaining an office in Shelby County, Alabama. [ASB No. 2024-100]
- Florence attorney **Basil Timothy Case** was suspended from the practice of law in the State of Alabama for a period of one year and forty-five days, pursuant to 8(b), *Alabama Rules of Disciplinary Procedure*, by the Supreme Court of Alabama, effective January 15, 2025. The Supreme Court entered its order based upon the Disciplinary Commission's order issued November 20, 2024, that Case's suspension to be split, to serve a 45-day suspension and one year of the suspension held in abeyance. Additionally, Case shall serve a three year probationary period with terms including but not limited to: restitution in the amount of full refunds to all clients not previously refunded; submitting quarterly trust account reports and client list to the Office of General Counsel; providing the Office of

General Counsel with an independent audit of his trust account; executing a fee agreement with all clients utilizing a template approved by the Office of General Counsel; completing an additional 50 hours of Continuing Legal Education; and, being taxed with all costs of each matter in which he pleaded guilty. The discipline is imposed upon Case by the Disciplinary Commission's acceptance of Case's Conditional Guilty Plea entered on November 18, 2024, encompassing six disciplinary actions. All the forgoing conduct adversely reflect upon Case's fitness to practice law and is prejudicial to the administration of justice. In ASB 2021-1184, Case pleaded guilty to violating Rules 1.1 [Competence], 1.3 [Diligence], 1.4 [Communication], 1.5 [Fees], 1.15 [Safekeeping Property], 8.4(d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Case charged a client \$65,000 non-refundable flat fee retainer to file a *Petition for Writ of Habeas Corpus*. Case failed to maintain the retainer in trust, failed to maintain appropriate ledgers, and failed to refund any unearned portion of the retainer. Case missed the statute of limitations for filing the *Petition for Writ of Habeas Corpus* by 194 days; failed to notify the client he missed the statute of limitations; and, failed to explain the matter to the extent necessary for client to make an informed decision regarding his defense. The fee charged was clearly excessive considering the gross tardiness of the filing of the *Petition for Writ of Habeas Corpus*. In ASB 2022-962, Case pleaded guilty to violating Rules 1.1 [Competence], 1.3 [Diligence], 1.4 [Communication], 1.15 [Safekeeping Property], 8.4(d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Case charged a client a \$15,000 non-refundable flat fee retainer to file an appeal in a criminal matter. Case failed to maintain the retainer in trust and failed to maintain appropriate ledgers. Case failed to communicate with the client; missed the statute of limitations to appeal; failed to inform the client of the same; and, failed to explain the matter to the extent necessary for the client to make an informed decision regarding his defense. In ASB 2023-638, Case pleaded guilty to violating Rules 1.1 [Competence], 1.3 [Diligence],



1.4 [Communication], 1.15 [Safekeeping Property], 8.4(d) and (g) [Misconduct]. Case charged a \$5,000 non-refundable retainer to represent a client in the filing of an EEOC claim. Case did not maintain the retainer in trust and failed to maintain appropriate ledgers. Case failed to diligently represent the client; missed the statute of limitations in which to file the EEOC claim; and, failed to communicate with the client regarding the dismissal of the claim. In ASB 2024-201, Case pleaded guilty to violating Rules 1.1 [Competence], 1.3 [Diligence], 1.4 [Communication], 1.5 [Fees], 1.15 [Safekeeping Property], 8.4(d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Case charged a \$20,000 non-refundable retainer to represent a client in obtaining relief from his sentence. Case did not maintain the retainer in trust, failed to maintain appropriate ledgers, and failed to refund any of the unearned retainer to the client. Case failed to diligently represent the client; failed to communicate with the client while listed as his attorney of record; and, failed to explain the matter to the extent necessary for the client to make an informed decision regarding his defense. In ASB 2024-496, Case pleaded guilty to violating Rules 1.3 [Diligence], 1.4 [Communication], 1.5 [Fees], 1.15 [Safekeeping Property], 8.4(d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Case charged a client a \$15,000 non-refundable retainer. Case failed to maintain the retainer in trust, failed to maintain appropriate ledgers, and failed to refund any unearned portion of the retainer to the client. The fee charged was clearly excessive for the minimal work Case performed. Case failed to explain the matter to the extent necessary for the client to make an informed decision regarding his defense. In ASB 2024-651, Case pleaded guilty to violating Rules 1.1 [Competence], 1.3 [Diligence], 1.4 [Communication], 1.5 [Fees], 1.15 [Safekeeping Property], 8.4(c), (d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Case charged an \$11,000 non-refundable retainer. Case failed to maintain the retainer in trust, failed to maintain appropriate ledgers, and failed to refund any unearned portion of the retainer to the

client. The fee charged was clearly excessive for the minimal work Case performed. Case failed to communicate with the client, and he failed to explain the matter to the extent necessary for the client to make an informed decision regarding his defense. [ASB Nos. 2021-1184, 2022-962, 2023-638, 2024-201, 2024-496, and 2024-651]

- Daphne attorney **Asheton Wells Sawyer** was suspended from the practice of law in the State of Alabama by the Supreme Court of Alabama for a period of ninety-one (91) days, effective June 11, 2025. The order was based on Sawyer's Conditional Guilty Plea wherein Sawyer admitted to violating Rules 1.3 [Diligence], 1.4 [Communication], 1.5 [Fees], and 8.1 [Bar Admission and Disciplinary Matters], *Alabama Rules of Professional Conduct*. In January 2024, Sawyer was hired to probate an estate. Sawyer was paid a retainer of \$2,5000.00. Sawyer drafted and filed the petition with the probate court in January 2024. The matter was returned because Sawyer failed to include a check for the publication fee. Sawyer failed to take any other action in the matter and failed to adequately communicate with the client. Sawyer subsequently failed to respond to the client's bar complaint. As a result, Sawyer was summarily suspended from the practice of law on July 15, 2014. Sawyer has since made a full refund to the client. [ASB No. 2024-504 and Rule 20(a), Pet. No. 2024-744]
- Birmingham attorney **Anthony Chuma Ifediba** was suspended from the practice of law in the State of Alabama by the Supreme Court of Alabama for a period of one hundred eighty (180) days, effective June 25, 2025. Ifediba admitted to violating Rules 1.3 [Diligence], 1.4 [Communication], 1.5 [Fees], 1.15 [Safekeeping Property], and 8.4(c), (d) and (g) [Misconduct], *Alabama Rules of Professional Conduct*. Ifediba failed to properly maintain his trust account, mishandled client funds, and failed to timely disburse third-party funds. [ASB No. 2023-785]
- Ruston, Louisiana attorney **Paul Heath Hattaway**, who is also licensed in Alabama, was suspended from the



practice of law in the State of Alabama by the Supreme Court of Alabama for a period of sixty (60) days, effective May 27, 2025, with the suspension to be held in abeyance. On or about April 8, 2025, the Supreme Court of Louisiana suspended Hattaway for sixty (60) days, with that suspension held in abeyance, and notified the Alabama State Bar of the same. On May 5, 2025, pursuant to Rule 25, *Alabama Rules of Disciplinary Procedure*, the Office of General Counsel filed a Notice of Filing concerning the sixty (60) day suspension. Hattaway was found to have failed to competently represent his client; failed to diligently represent his client; failed to adequately communicate with his client; failed to withdraw from the representation of his client; failed to make reasonable efforts to expedite litigation; engaged in the unauthorized practice of law, and for engaging in misconduct. [Rule 25(a), Pet. No. 2025-415]

## PUBLIC REPRIMANDS:

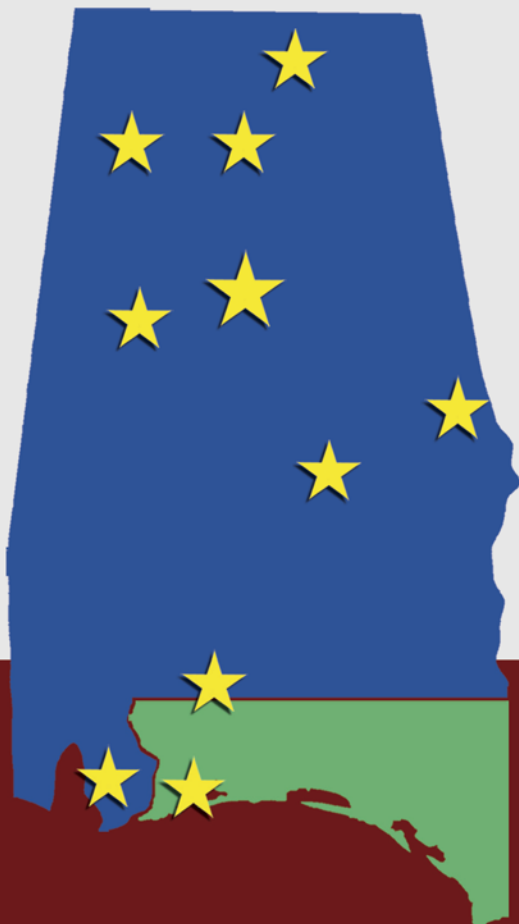
- Birmingham, Alabama attorney **Mark Anderson Pickens** was issued a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar on May 2, 2025 for violating Rules 1.4 [Communication], 1.7 [Conflict of Interest: Prohibited Transactions], and 8.4 (g) [Misconduct], *Alabama Rules of Professional Conduct*. In May 2017, Stephanie Muhammad and her husband, purchased a parcel of property at a tax sale. In the fall of 2020, an individual filed suit against Muhammad claiming an ownership interest in the property and his right to redeem the property. In August 2020, Muhammad retained Pickens to represent her in the matter and paid an initial retainer of \$2,500. According to Muhammad, after several months, Pickens told her that her only option was to purchase the property from the individual for \$13,000. Muhammad explained to Pickens that she did not have the funds to purchase the property. Pickens subsequently presented Muhammad paperwork for the purchase of the property and the payment of his legal fees. The purchase of the property

and the payment of Pickens's legal fees were to be funded from a loan by Hallmark Mortgage, Inc. in the amount of \$21,448.47 at an annual interest rate of 15%. At the time, Pickens claimed Muhammad owed him another \$8,797.58 in legal fees. Hallmark Mortgage would pay both the purchase price of the property and Pickens's legal fees in exchange for a mortgage on the property to be paid off at \$475 a month. Muhammad agreed to the proposal believing that she had no other option. Muhammad stated that she was unaware at the time that Pickens owned and operated Hallmark Mortgage, Inc. Pickens maintained that he verbally disclosed to Muhammad his ownership of Hallmark Mortgage prior to the transaction. Pickens claimed Muhammad signed an acknowledgement form during the transaction. However, the acknowledgement form only advised Muhammad that Pickens was acting as the attorney for Hallmark Mortgage, Inc. Pickens failed to disclose his ownership of Hallmark Mortgage in writing to Muhammad as required by Rule 1.8(a). Pickens included his legal fees in the original loan to be repaid at an interest rate of 15%. Pickens had a conflict of interest exist under Rule 1.7(b), in having his legal fee paid by Muhammad in the loan. The inclusion of these fees into the mortgage was not in the best interest of Muhammad. Pickens should have disclosed the conflict to Muhammad in writing and advised her to seek other counsel before continuing with the representation and the transaction. In 2023, after the death of her husband, Muhammad attempted to sell the property in order to satisfy the mortgage. However, Muhammad learned that her prior purchase of the property did not give her good title to the property. Muhammad contacted Pickens about the issue and he took action to quiet title and assisted her in the sale of the property. During closing, Pickens had the closing company use the proceeds of the sale to satisfy the Hallmark Mortgage, Inc. mortgage and his new legal fees of \$7,335.34 in quieting title. Of the \$43,000 purchase price, Pickens received \$24,996 while Muhammad received a little over a \$1,000. [ASB No. 2024-686] ▲



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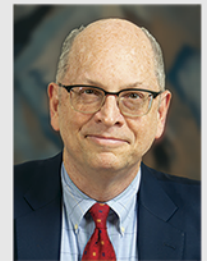
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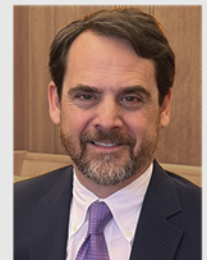
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## ABOUT MEMBERS, AMONG FIRMS

Please email announcements to [melissa.warnke@alabar.org](mailto:melissa.warnke@alabar.org).



About Members, Among Firms highlights ASB members on the move—whether you're taking on a new role within your current company, organization, or firm; being hired at a new firm or organization; or starting up your own practice.

- **Dentons Sirote** welcomes Daniel S. Perkins as an associate in the firm's Trusts, Estates and Wealth Preservation practice.
- **Donald M. Harrison III** has been appointed Acting Administrator of the United States Department of Labor's Wage and Hour Division by President Donald J. Trump.
- **Gilpin Givhan, PC** has added Kaitlyn M. Mitchell as an associate in the Tax, Corporate & Securities, and Estate & Business Succession practice groups.
- **Heninger Garrison Davis, LLC** has named W. Lee Gresham III as the firm's next Managing Partner, effective June 1, 2025.
- **Hollis, Wright & Clay, P.C.** has hired Trent Testa as an associate.
- **Legal Services Alabama** has promoted Tracy Kennie to Managing Attorney of the Selma office.
- **Lisha Graham, Jackson Neal, Curtis Seal**, and **Lana Bell** announce the opening of Graham Neal Seal & Bell, LLC, a new firm specializing in civil and complex litigation, insurance, defense, business disputes, and production law.
- **Mann & Potter, P.C.** welcomes John N. "Jack" Bryan, Jr. as an associate.
- **Marsh, Rickard & Bryan, P.C.** is pleased to welcome Gianna Mandich as an associate.
- **McClure Law** is the new name of the firm formerly known as Schwartz & McClure. Karen and Trey McClure continue to lead the practice.
- **Rachel Payton** announces the opening of The Law Shop Alabama, a new firm serving small businesses in Tuscaloosa and southeastern Alabama.
- **Silver Voit Garrett & Watkins, Attorneys at Law, P.C.** has relocated its Baldwin County office to 23210 US Hwy 98, Suite B2, Fairhope, AL 36532. The firm's Mobile office remains at 4317-A Midmost Dr., Mobile, AL 36609.
- **Stites & Harbison, PLLC** has opened its first office in Huntsville, Alabama. Joshua K. "Josh" Chesser will serve as the Office Executive Member.
- **Starnes Davis Florie LLP** has expanded its team with the addition of Stephanie Tunnell as an associate.
- **Stephen Walsh** has announced the opening of his new solo practice, Walsh Law Firm, LLC.
- **Vogel Law Firm, LLC**, of Wetumpka, has rebranded as **River Region Law Firm, LLC**. Doug Vogel and John Bradley are partners, and Jerry Daniel is Of Counsel. ▲



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WILLIAM BUTLER YEATS

### *No Second Troy*

Why should I blame her that  
she filled my days  
With misery, or that she  
would of late

Have taught to ignorant men  
most violent ways,

Or hurled the little streets  
upon the great,

Had they but courage  
equal to desire?

What could have made her  
peaceful with a mind

That nobleness made  
simple as a fire,

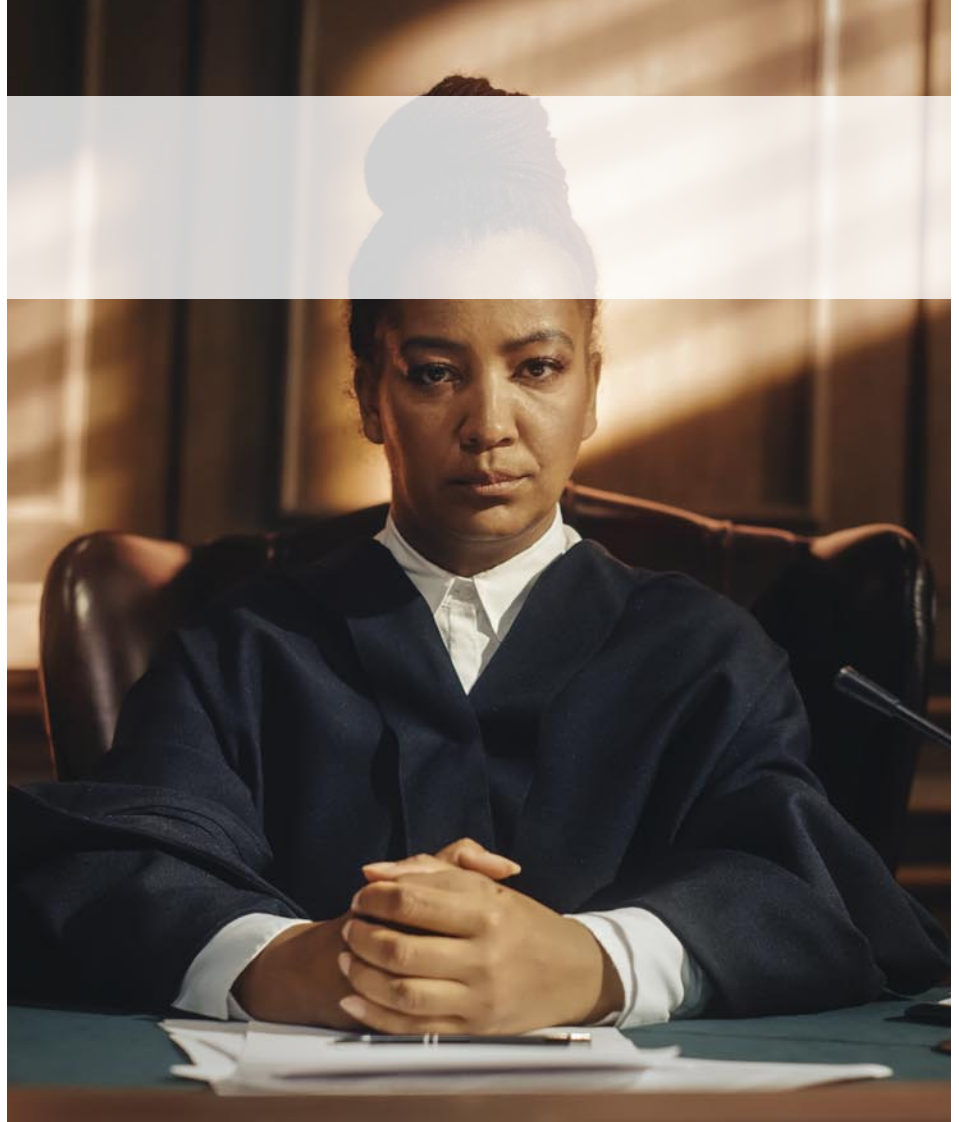
With beauty like a tightened  
bow, a kind

That is not natural in an age like this,

Being high and solitary  
and most stern?

Why, what could she have done,  
being what she is?

Was there another Troy for  
her to burn?



THE LAWYER REWRITE

## No Second Trial

With misery? I know my brief was late,  
But it clearly showed the judge a dozen ways  
The jury's adverse verdict was a great  
Mistake. A new trial was my sole desire,  
I thought my oral argument would change her mind,  
As I presented all the points with a fire  
I seemed to lack at trial. I was firm yet kind.  
It soon was clear she'd heard enough of this,  
Being high and solitary and most stern.  
Why, what could she have done, being what she is?  
A federal district judge - with me to burn.



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