SPRING/SUMMER 2026 | VOLUME 87, NUMBER 2

THE ALABAMA LAWYER


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ON THE COVER

PHOTO CREDIT: **W. Drew Senter**

The Blue Angels soar over Alabama's Gulf Coast in a striking display of precision and power. The photograph captures a familiar and celebrated sight along the coast, where aviation tradition and scenic beauty come together against the backdrop of the Gulf.

ABOUT THE PHOTOGRAPHER

W. Drew Senter is an Anniston attorney and photographer whose work has appeared in publications around the world through Getty Images. A former oil painter, Senter turned to photography as a more immediate creative outlet while practicing law. His photography focuses on capturing distinctive scenes and moments throughout Alabama and beyond.

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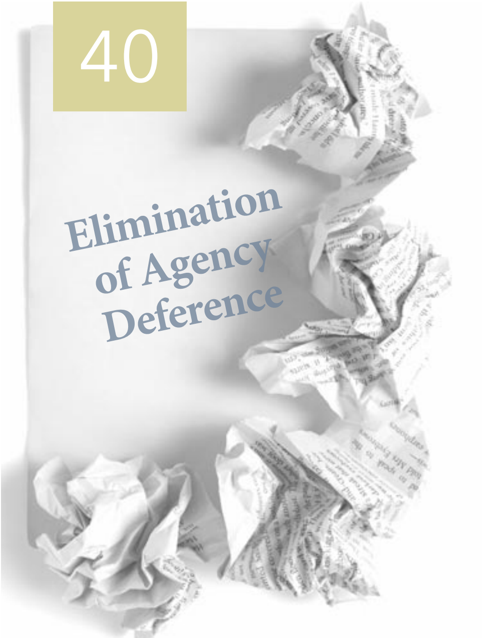
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A Republic, If You Can Keep It

By Fred Helmsing
2025-2026 President, Alabama State Bar

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As we move closer to our nation's celebration of 250 years since the signing of the Declaration of Independence, we have much of which we can be proud. It is a particular honor for me to be serving as the 150th president of the bar during the 250th anniversary because, in many ways, the Alabama State Bar exemplifies what has made our country so great.

We have a proud history of Alabama lawyers who have made important contributions to the history of our country. One example of these contributions involves Colonel William Travis. Earlier this year, we attended the Southern Conference of Bar Presidents meeting held in San Antonio in connection with the National Conference of Bar Presidents Midyear Meeting. This year, 2026, is Alabama's turn to lead the Southern Conference. I had the honor of presiding over the meeting. It was a point of great pride to highlight that William Travis, the leader of the Texas forces at the Alamo, was, before moving to Texas, a practicing lawyer in Alabama. Travis began his practice in Conecuh County, later moving to Claiborne on the Alabama River, where he continued to practice law until moving to Texas. Travis is in the pantheon of great Texas heroes, but he was an Alabama lawyer before any of that.

The history of the United States is not perfect; in many instances, it is far from it. Nevertheless, it does reflect the spirit exemplified in the Declaration of Independence and the Constitution: an arc toward forming a more perfect union. There is so much American history that should and will be celebrated this year. As I write this note, I am on an airplane traveling to

Boston, Massachusetts, near where the American Revolution began. So much American history occurred in and around Boston early in the Revolution. Think of the Midnight Ride of Paul Revere, a Boston silversmith galloping to warn the colonial militias in Lexington and Concord. Think of the Boston Tea Party. Think of the Boston patriots who provided such foundational leadership during the Revolution. Revolutionary history is not limited to Boston. Two hundred fifty years ago, the colonial delegates assembled in Philadelphia during the early summer of 1776. Thomas Jefferson, with the help of others, wrote his masterpiece, setting out the colonies' grievances with the British Crown and the legal justifications for declaring independence.

American achievements are not limited to the past. In fact, the achievements from 2026 offer much to be proud of as Americans. Just this year, the United States men's and women's hockey teams won gold medals at the Winter Olympics in Italy. For the men, that is a feat not achieved since the Miracle on Ice team in 1980 at Lake Placid, New York. That event has special resonance for the Alabama State Bar because Jim Craig, the goalie from the 1980 U.S. men's hockey team, will be speaking at the State Bar Meeting this summer. What an accomplishment for all of Team USA's athletes competing on behalf of their country.

America, with the help of our Canadian friends, has also returned to the moon. NASA's Artemis II conducted a historic return to the moon in April. What a source of national and state pride that the mission was so successful. The crew now holds the distinction of traveling farther from the Earth than any other humans in history. The ability to achieve such a monumental technological and scientific accomplishment exemplifies the spirit of America that has existed since its founding and has driven it to undreamt-of successes. The Marshall Space Flight Center in Huntsville played a leading role in supporting that mission.

I hope that each of you will join me in paying special attention to the Independence Day celebrations this year. Two hundred fifty years of independence is no small feat to achieve. Following the Constitutional Convention in 1787, Benjamin Franklin, when asked what kind of government had been created, said: "A republic, if you can keep it." We have kept it for nearly 250 years through the great sacrifice and struggle of many generations. We have a burden to keep it for future generations. That is a heavy responsibility. This year, we can stop to celebrate just how far we have come as a nation. I hope each of you will join me in doing just that. ▲

Using Technology to Make Human Connections

Terri Lovell
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This issue of *The Alabama Lawyer* explores artificial intelligence and the many ways technology is changing the practice of law. At this year's Regional Tacklebox CLE Tour, we have also been discussing AI, including its opportunities, limitations, and ethical implications for lawyers.

But technology does not have to be complex to be meaningful. Sometimes, its greatest value is simply helping people find the right human connection.

One example is the Practice Area Selection feature on your Alabama State Bar Member Profile. This simple tool allows members to self-select the areas of law in which they practice. That information feeds the public-facing "Find a Member" directory on the Alabama State Bar website, helping members of the public search for lawyers by location and practice area.

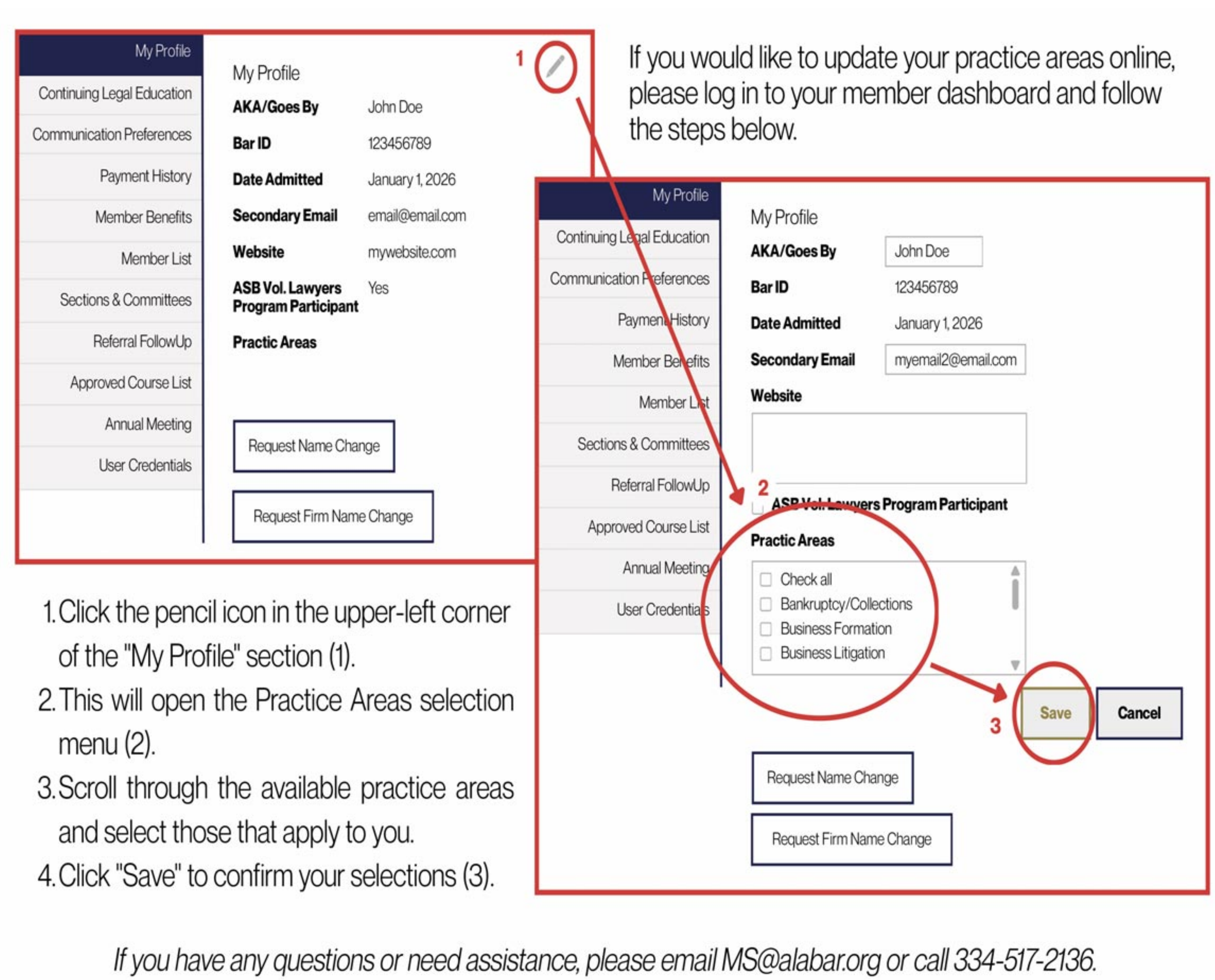
In a time when many people begin nearly every search online, this feature helps them take an important next step: finding a lawyer they can call, meet with, and trust to guide them through a legal matter. Technology may help begin that connection, but the lawyer's counsel, judgment, and service are what make it meaningful.

For the public, this online 'Find a Member' directory is both a free and accessible starting point for locating legal help. Rather than navigating broad internet searches or uncertain sources, individuals can search through Alabama State Bar members in their county or city who have identified practice areas relevant to their needs.

For our members, keeping practice area selections current is a simple way to make your practice more visible to those seeking legal services. The Alabama State Bar website receives significant traffic from members of the public looking for help, including individuals directed to us through Justice4AL.com. When your information is complete and accurate, you help the public find you through a resource they can trust.

Please take a few minutes to review your listing in the Member Portal:

- Confirm that your contact information is current.
- Select the practice areas that accurately reflect your work.



- Review your selections periodically as your practice evolves.

As we consider how technology is changing the practice of law, it is worth remembering what technology should ultimately help us do: serve people better. Update your practice areas in the Member Portal and help the public find the real Alabama lawyer whose guidance they need. ▲

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Check ALL that apply:

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America at 250: There is No Plan B

Wilson F. Green
wilson@wilsongreenlaw.com

By the usual metrics, Peter Thiel is wildly successful. He co-founded PayPal and more recently Palantir. He was the first outside investor in Facebook. His net worth has been estimated at about $30 billion. Fun fact: Thiel is also a graduate of Stanford Law School (Class of 1992).

Peter Thiel is a deep and creative thinker. My wife alerted me to an extended interview he gave about a year ago to Ross Douthat of *The New York Times*, footnoted here.[1] The conversation is intense, covering everything from AI to his views on the Antichrist (apparently a particular passion of his, thus Douthat's title). That latter subject, at least for some listeners, could take one's view of his thinking from creative to cooky. But the sheer expanse of the discussion, and its thoughtfulness, is fascinating.

For a technology investor, Thiel has taken a surprisingly understated view of AI's potential. He opined that the pace of technological change through AI will not hold a proverbial candle to the pace of change realized in similar eras from industrialization through the 1970s. He viewed AI as more incremental than revolutionary in potential. Note the past tense: those were his views in this specific June 2025 interview.

I mention Thiel's AI thoughts at the outset for this reason: our readers are probably wondering why we are publishing more AI articles in this issue, when we devoted an entire issue of the magazine to the topic last year. Answer: because the times demand it. Twelve months ago, lawyers were not really talking about using Claude, Gemini, or ChatGPT like they are today. I confess: when we published the issue last year, I had zero experience with it. These days most people I know (myself included) are trying it out for some legal tasks. (Check its work, of course.) ***What kind*** of change AI will bring us is debatable, even inchoate; ***that*** AI is bringing change to our profession right now, however, is undeniable. While Thiel may have been nonplussed about AI a year ago, now we're all nonplussed (in the opposite sense)[2] about Thiel's having been nonplussed about AI.

My more pressing point in mentioning Thiel, however, is not to riff on AI (nor is it to highlight the oxymoronic meanings of "nonplussed" featured in that inscrutable sentence I just wrote). Rather, Thiel is on my mind because of the coverage of his recent move from the U.S. to Argentina.[3] He is bailing out of the U.S., in part, because of potential exposure to the proposed billionaire's tax in California and a distaste for the political climate here. Argentina apparently aligns with his libertarian politics and, as it happens, could also provide a suitable sanctum in the event of nuclear Armageddon. As his like-minded friend Martin Varsavsky (another global tech titan) put it in an interview, "It's good to have a Plan B for civilization."[4]

Of course, Thiel and other global elites can afford to have a Plan B. In a modern world, citizenship can often be bought (think "Golden Visas"). But even for those of modest means, these days permanent legal residency can be altered in mere hours to faraway locales. Even one's citizenship allegiance can follow. Your YouTube feeds, like mine, might be filled with tales of Americans decamping to the remotest of bounds.

Unlike Thiel (and even ourselves, we can admit), the Founders had no Plan B. Hear again the last sentence of their Declaration of Independence:

And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

The Founders pledged not just their Lives but **their Fortunes**. They were mostly landowners – their wealth was tied to the land itself. So by rebelling, they were gambling their estates. And it wasn't so great a gamble, to be honest, considering that a substantial percentage of Colonists (and especially the enslaved population, to whom the British promised freedom for enlistment with the Redcoats) were Loyalists. (Do you wonder if you'd have been a Loyalist too? Perhaps many of us lawyers, dedicated to the rule of law, would have been.) The American Revolution was our first Civil War, so betting one's fortune on the side of the rebels had to have looked like "dead money" on the table.

One could argue that, given the nature of an agrarian economy, the resulting lack of portability in wealth didn't afford the Founders with the luxury of any choice but to gamble. Perhaps. But gamble they did. But for whose benefit? Their own offspring? Hardly: independence meant keeping what one had (after the dissipation of nearly a decade of war), and suppression meant wipeout. The offspring of Washington, Franklin, or Jefferson could not have been enamored with their fathers' wagers.

To my point, then: the Founders bet their fortunes on the ***idea*** of America – an idea which wasn't even shaped in '76 (it took until '87, 11 years later, to put down the Constitution). F. Scott Fitzgerald describes that idea in his parting lines from "The Swimmers"[5] –

France was a land, England was a people, but America, having about it still that quality of the idea, was harder to utter – it was the graves at Shiloh and the tired, drawn, nervous faces of its great men, and the country boys dying in the Argonne for a phrase that was empty before their bodies withered. It was a willingness of the heart.

The Founders bet their fortunes on you and me, their ***ideological*** offspring. They wagered all they had without even knowing the payoff. What they ask of us, in return, is that "willingness of the heart" to stay true to America. To bear with her in the moments of discontent. To struggle in her quest for that more perfect Union. To seek no Plan B.[6]

ENDNOTES

1. Ross Douthat, "Peter Thiel and the Antichrist," *The New York Times* (June 25, 2025), available at https://www.nytimes.com/2025/06/26/opinion/peter-thiel-antichrist-ross-douthat.html
2. The original meaning of "nonplussed" was to be shocked or shockingly perplexed. Today, it's most commonly used to mean the exact opposite: that is, to be underwhelmed or unbothered. See https://www.merriam-webster.com/dictionary/nonplussed.
3. Emma Bubola and Ryan Mac, "Why Peter Thiel Is Decamping to the End of the World," *The New York Times* (June 1, 2026), available at https://www.nytimes.com/2026/05/28/world/americas/peter-thiel-argentina.html .
4. *Id.*
5. F. Scott Fitzgerald, "The Swimmers," *The Saturday Evening Post* (October 19, 1929), at p. 154, available at https://www.saturdayeveningpost.com/wp-content/uploads/satevepost/19291019_fitzgerald_swimmers.pdf
6. For a deeper dive into the complexity of patriotism, see Arthur Krystal, "My Country 'Tis of Thee," *The New Yorker* (June 1, 2026). It is a marvelous reflection.

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Recent Rule Amendments and Court Orders

The Supreme Court of Alabama has issued several recent orders amending rules and procedures of interest to Alabama lawyers. The orders address bar admission, examination requirements, appellate procedure, and civil procedure.

Bar Admission and Examination Updates

The Court amended Rule III and Rule IV of the Rules Governing Admission to the Alabama State Bar, with the amendments effective Jan. 1, 2027. The changes address eligibility for admission without examination and admission by examination, including educational requirements and limits on the number of times an applicant may sit for the Alabama bar examination. The amendments will govern eligibility beginning with the February 2027 bar examination.

The Court also amended Rule III.A.(5), which addresses admission without examination for certain service members and spouses of service members stationed in Alabama. The rule provides a path for qualifying applicants to seek admission without satisfying certain active-practice and reciprocity requirements.

In a separate order, the Court addressed the transfer of NextGen Bar Examination scores. Until the Court sets the passing score for the NextGen Bar Examination in Alabama, an applicant who has taken the full NextGen Bar Examination in another jurisdiction and earned a score qualifying the applicant for admission in that jurisdiction may transfer that score to Alabama, provided the applicant otherwise satisfies applicable admission requirements.

Appellate Rule Amendments

The Court amended Rule 53(c) and Rule 54(c) of the Alabama Rules of Appellate Procedure, which address publication of appellate decisions. The amendments clarify that "No Opinion" cases will continue to be included in tables of decisions without published opinions, while allowing special concurring or dissenting writings in those cases to be published.

The Court also amended Rule 29 and Rule 34 of the Alabama Rules of Appellate Procedure. Those amendments address appellate practice involving amicus curiae briefs and oral argument.

Civil Procedure Rule Amendments

The Court amended Rule 6 and Rule 59(a) of the Alabama Rules of Civil Procedure. The Rule 59(a) amendment allows a court, in appropriate cases, to grant a new trial on all or part of the issues, including in cases tried to a jury.

The Court also amended Rule 70A(g)(3) of the Alabama Rules of Civil Procedure, which addresses contempt proceedings. The amendment clarifies the treatment of unadjudicated contempt claims for purposes of finality and appeal.

Members should review the full orders for effective dates, complete rule language, and any practice-specific requirements.

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 is hereby given of proposed amendments to the Rules of the United States Court of Appeals for the Eleventh Circuit. The public comment period is from Wednesday, August 5, to Friday, September 4, 2026.

A copy of the proposed amendments may be obtained on and after Wednesday, August 5, 2026, from 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 Friday, September 4, 2026. ▲


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HOW TO THINK ABOUT AI AS A LAWYER

By Jillian Jordan Evans

I recently heard a presenter state: "AI will not replace lawyers, but lawyers who use AI will replace those who do not." That observation resonated with me. As the daughter of a retired judge, I remember countless hours watching my father work at the end of our kitchen table, late into the night and early in the morning. His dedication reflects a model of lawyering grounded in discipline and hard work, and even today, as a mediator still active in the profession, he does not rely on AI tools.

That statement got me thinking about the broader conversation surrounding artificial intelligence and its rapid integration across nearly every profession: How, exactly, should we think about AI?

Artificial intelligence is no longer hovering at the margins of the profession. It drafts motions, summarizes depositions, predicts outcomes, reviews discovery, and answers questions in seconds. Although much attention has been devoted to what artificial intelligence can do, a more foundational question is how the legal profession should think about these technologies.

In my first year serving as the Law Practice Management Advisor for the Alabama State Bar, the topic of artificial intelligence has surfaced in nearly every room I enter. The questions come quickly and without hesitation. Will it replace lawyers? Should we be using it? If so, how? Beneath

those questions is something deeper: a mix of curiosity, anxiety, and inevitability.

Educating lawyers about AI has become central to my work. It is why we have hosted trainings, why I devote significant time in CLE presentations to the ethical and practical implications of these tools, and why I address the topic directly rather than cautiously circling it. Avoiding the conversation does not make it disappear. Engaging it thoughtfully is part of our responsibility.

The question is not whether lawyers, particularly young professionals, will use AI. They will. The real question is how. Will it become a crutch that substitutes for analysis and judgment, or will it become a disciplined tool, one that enhances efficiency, sparks ideas when writer's block hits, and allows them to focus more deeply on strategy and connecting with their clients? That distinction will shape not only their careers, but the future culture of our profession.

AI IS A TOOL, NOT A LAWYER

AI is not a feature update. It is a structural shift in how legal work is performed, how risk is distributed, and how professional judgment is exercised. In law, technology always bends toward ethics. The rules do not disappear when innovation arrives; they become more important.

The starting point is simple but foundational: AI does not practice law. Lawyers do. The American Bar Association's Formal Opinion 512 makes clear that existing duties—competence, confidentiality, communication, supervision, candor, and reasonable fees—apply with full force when lawyers use generative AI. Technology may assist, but accountability never transfers.

This principle matters because generative AI systems produce probabilistic text, not verified legal authority. They generate language

TECHNOLOGY MAY ENHANCE OUR EFFICIENCY AND EXPAND OUR CAPABILITIES, BUT IT CANNOT REPLICATE THE INSTINCTS DEVELOPED THROUGH EXPERIENCE, THE NUANCE REQUIRED IN DIFFICULT CONVERSATIONS, OR THE RESPONSIBILITY WE CARRY AS STEWARDS OF OUR CLIENTS' MOST IMPORTANT MATTERS.

that appears authoritative whether it is accurate or not. In *Cassata v. Michael Macrina Architect, P.C.*, a New York Court sanctioned a supervising attorney for lack of familiarity with AI tools that were used by the associate. In Texas, a judge has banned filings solely created by AI after a string of filings with hallucinated cases.[1] It seems that nearly every state can point to at least one instance where a lawyer relied on a hallucinated case and faced consequences, underscoring the very real rise of using AI without careful oversight.

Model Rule 1.1 of the Model Rules of Professional Conduct requires competence, and the Comment Section clarifies that competence depends on the complexity of the matter and the lawyer's experience, but can be achieved through adequate preparation, study, or consultation, with the level of thoroughness required varying based on what is at stake. That duty now squarely includes artificial intelligence. Technological competence does not require becoming a data scientist, but it does require understanding that generative systems are trained on vast datasets, that they predict text rather than confirm truth, that they can fabricate citations, and that they may reflect embedded bias. Lawyers who use AI without appreciating these realities are not being innovative; they are outsourcing judgment to a system they do not understand. Competence demands informed use, not blind reliance.

Beyond competence and confidentiality lies the irreducible core of lawyering: judgment. AI can draft a brief, summarize testimony, or outline arguments. It cannot decide whether filing that brief advances the client's long-term interests. It cannot weigh reputational consequences against legal leverage. It cannot read the tone of a courtroom, assess a witness's credibility, or counsel a grieving client through strategic choices. Lawyering is not simply production; it is strategic discernment. AI recognizes patterns. Lawyers exercise judgment. That distinction must remain clear to safeguard the profession.

The profession has absorbed prior technological transformations by anchoring innovation to enduring ethical principles. Electronic research replaced books. Email replaced letters. E-filing replaced hand delivery. In each instance, the rules did not change; the application of those rules evolved. AI is no different. It is faster and more powerful, but it is governed by the same framework.

AI AS LEVERAGE

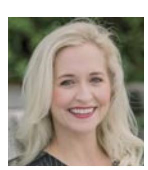
Thinking about AI as a lawyer requires resisting two temptations: uncritical enthusiasm and reflexive fear. Artificial intelligence is neither magic nor menace. It is leverage. And leverage magnifies both strengths and weaknesses. Used thoughtfully, AI can expand access to justice, reduce costs, improve research, and free lawyers to focus on strategy and client counsel. Used carelessly, it can erode trust, compromise confidentiality, distort billing practices, and undermine credibility before courts.

The future of the profession will not be determined by algorithms. It will be shaped by lawyers who integrate technology without surrendering ethics, judgment, or accountability. Artificial intelligence can draft, summarize, and predict. It cannot take an oath.

While I may not completely agree with the quote I began the article with, I do agree with this one: "AI can improve great lawyers, but it can't replace them." The practice of law is still, and will always be, a people profession. It will remain a profession grounded in judgment, trust, and the uniquely human ability to listen, empathize, and persuade. Technology may enhance our efficiency and expand our capabilities, but it cannot replicate the instincts developed through experience, the nuance required in difficult conversations, or the responsibility we carry as stewards of our clients' most important matters. The future of the profession does not belong to AI alone, nor to lawyers who resist it, but to those who thoughtfully integrate it: using innovation to sharpen, not substitute, the human skills that define what it means to be a lawyer. ▲

ENDNOTES

1. *Texas Judge Bans ChatGPT in Court Filings,* CBS News (May 30, 2023), https://www.cbsnews.com/news/texas-judge-bans-chatgpt-court-filing/



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PAID ACTORS:

Navigating Client Relationships in an AI World

By Amy C. Marshall

Unless you have been living under a rock, the future is here—and it involves artificial intelligence. Chatbots such as ChatGPT have become widely accessible and are now used by just about everyone. Honestly, if you're a lawyer who has not used AI at this point, you are already behind. Lawyers regularly use these services, and in fact, many companies such as Claude, Gemini, and Copilot are geared towards the legal professional.

I want to be clear: these tools are not without value both to lawyers and to nonlawyers. Chatbots can help organize thoughts, refine writing, and answer basic questions—assuming, of course, that the user follows up with actual research. They can also provide a starting point for individuals who cannot afford legal representation, helping them navigate legalese or draft basic pleadings.

With all of that said, I'm not here to focus on the well-known pitfalls we've all read about—like attorneys citing hallucinated cases. Nor am I here to debate the emerging federal case law addressing whether AI-generated communications are protected by attorney-client privilege. Instead, I want to address something discussed far less often, yet far more disruptive to my daily practice: **client communication**.

My private practice consists primarily of family law—divorces, custody disputes, adoptions. It is an area of law that never gets boring, largely because it is extremely human. The facts matter, of course, but so do tone, emotion, credibility, and the way a person presents themselves in real life.

That human element is being eroded by the use of AI technology.

Clients who once sent emails with simple questions and real concerns are now communicating through AI-generated messages. What used to be a two-sentence email has become a page-long, generic response that says very little and often misses the point entirely. In essence, Clients are beginning to substitute AI judgment for legal advice. After all, the chatbot only hears ***their*** side of the story.

Documents I have drafted for years, such as straightforward complaints for divorce, are now being run through chatbots. Clients then ask me to file their AI-generated versions instead. These documents usually ignore jurisdictional requirements, procedural rules, and practical realities. Some of these filings are unnecessarily long, overly complicated, and ultimately ineffective. I doubt many judges want to read an 86-page Complaint for Divorce.

Worse still, advice that I provide after years of experience is sometimes plugged into AI and returned to me in the form of a rebuttal that is stripped of context and nuance. Instead of moving the case forward, I find myself defending advice that was already tailored to the client's specific situation.

I recently told a local judge that, at this point in my career, I feel like a "paid actor."

What I mean by that is this: clients input their facts into a chatbot, and the chatbot gives them the answer they want—whether it is accurate or not. These tools are designed to be responsive and persuasive. They often validate the user's assumptions and reinforce their position. The result is a client who believes they already understand their case and exactly what should happen next. They now hire an attorney to step into court and carry out their preconceived notions.

In other words, the client has already decided the script. The lawyer is expected to perform it.

A Practical Response: Setting Boundaries in an AI World

At some point, I realized this was not going to fix itself. Believe me, I tried.

This is not really a technology problem. It is a communication problem. And like anything else in the attorney-client relationship, it requires clear expectations.

A major issue, particularly in family law, is this: I cannot prepare a client for trial if the first time I meet the ***real*** client is in a courtroom. In a perfect world, a lawyer would meet with a client multiple times, but in some situations—such as a pendente lite hearing, the first time seeing your client, in the flesh, may be the day of court.

But even when I speak with a client multiple times, if their written communication looks nothing like how they actually talk, think, or react in person, I am still at a disadvantage. Trial preparation is not just about facts and law. It is about presentation. It is about how you answer questions, how you carry yourself, and how you come across to a judge. If I do not know who a client actually is, I cannot prepare that client for court.

I have already seen this play out in my own practice. I represented a client who, at the beginning of the case, communicated with me like a normal person. She was direct, rough-around-the-edges, but authentic. I understood how she thought and how I needed to prepare her. At some point, that changed. Her emails became polished, overly formal, and completely disconnected from the person I had been working with. The questions became generic and repetitive. We would have detailed conversations, and then I would receive emails asking the same questions again in a way that ignored everything we had already discussed.

It became clear that my advice was being run through a chatbot and returned to me as something to argue with. At that point, I was no longer advising a client. I was responding to an algorithm. The relationship broke down. She refused to follow my advice, continued to rely on those responses, and I ultimately withdrew from representation. She later lost her case and was awarded almost exactly what I had warned her would happen.

That experience has changed the way I have started communicating with clients.

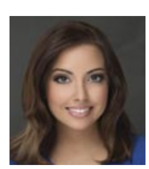
Recently, I began drafting an office policy and presented that policy to the Alabama State Bar to review for any ethical considerations. After review, I decided to start including this separate "Client Communication Policy" with my standard fee contract. It is provided at the beginning of representation and signed by the client. I do not bury it in my contract. I want clients to see it and understand it.

The expectation is simple. I expect clients to communicate with me in their own words. I do not need perfect grammar or polished writing. I need to know how they actually think and communicate so I can prepare them for court and give them realistic advice.

More importantly, the policy sets boundaries. I do not want clients sending me AI generated information. If a client sends repetitive, generalized, or AI-generated communications that do not move the case forward, I bill for that time. If the conduct continues, I reserve the right to terminate representation. I believe this is a necessary tool to help protect the integrity of the attorney-client relationship. I cannot effectively represent someone if I am constantly sorting through content that does not reflect the reality of their case or the person I am representing.

I believe that by implementing this policy, my communication with clients will improve. AI technology is fast-moving and everchanging. There has been significant improvement in chatbot features over the last year. In fact, sifting through what is real and what is not real can prove impossible in some situations. The technology has made many tasks all but obsolete. What it cannot duplicate, however, is actual, human interactions. The human element.

At the end of the day, no judge wants to read a chatbot response. Opposing counsel does not want to negotiate with one. And I cannot represent a version of my client that only exists on a screen. ▲



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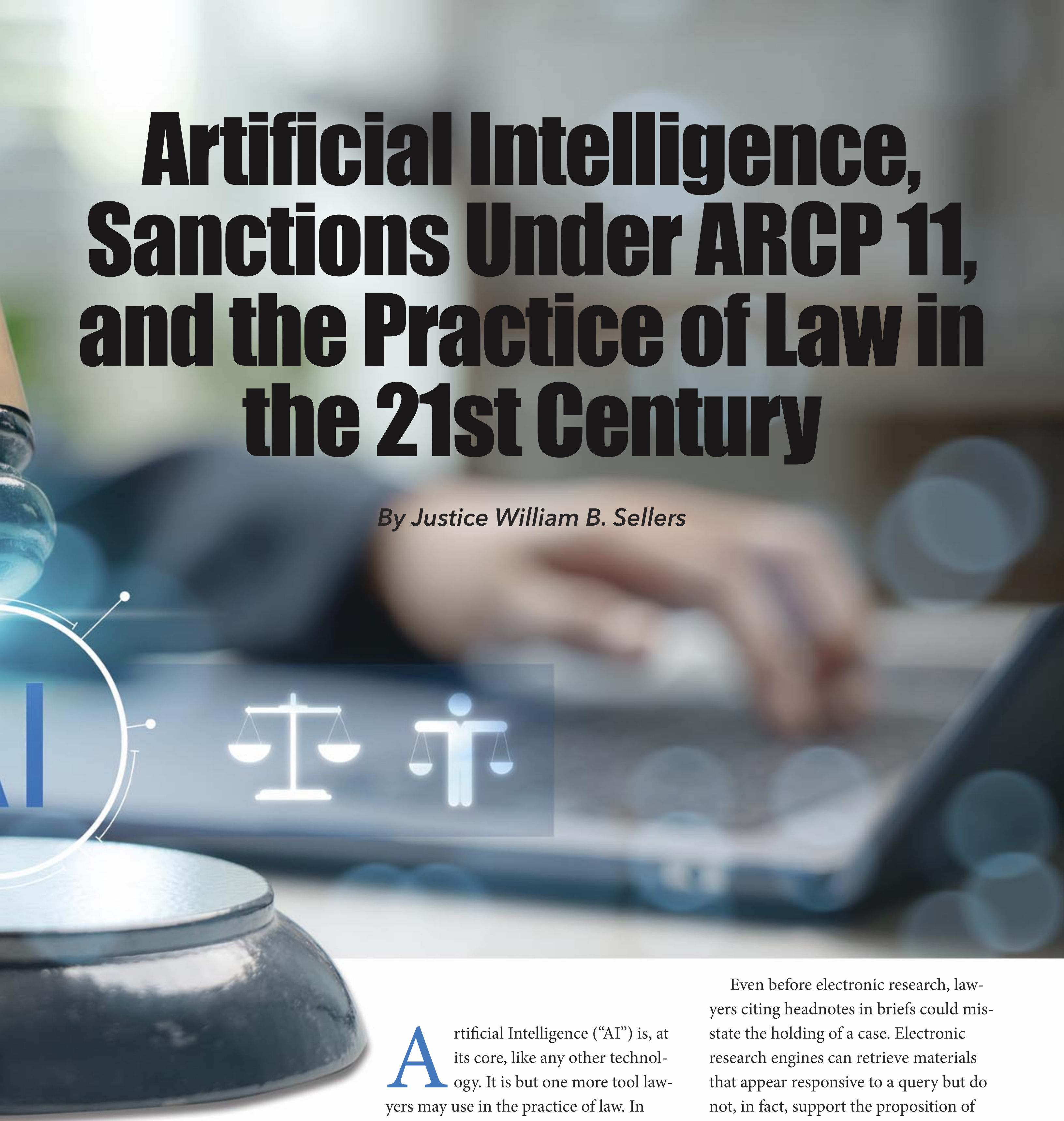


Artificial Intelligence, Sanctions Under ARCP 11, and the Practice of Law in the 21st Century

By Justice William B. Sellers

Artificial Intelligence ("AI") is, at its core, like any other technology. It is but one more tool lawyers may use in the practice of law. In many respects, it is no different from the development of case citations, headnotes, Westlaw, LexisNexis, and other electronic databases containing statutes, cases, treatises, and legal periodicals. Each of these innovations has saved time and money. Each has made legal research more efficient. And each, like AI, can be misused.

Even before electronic research, lawyers citing headnotes in briefs could misstate the holding of a case. Electronic research engines can retrieve materials that appear responsive to a query but do not, in fact, support the proposition of law for which they are cited. Taking shortcuts in legal research has always been dangerous. Nothing replaces reading the actual case and accurately citing the proposition for which it truly stands. Shepardizing to verify the continuing validity of a case continues to be a best practice.

AI is no different.

The principal distinction lies in its ease and speed. AI can not only locate potentially relevant cases, but synthesize numerous authorities, analyze factual patterns, and draft a motion or brief in a matter of minutes. Properly used, this capacity can enhance efficiency and reduce costs. Improperly used, it can create serious problems.

AI is not "learned in the law." It does not exercise professional judgment. It may cite cases that are only peripherally on point. In worse situations, it may fabricate cases entirely or cite real cases while completely misstating their holdings. These complete or partial fabrications of legal authority have come to be known as "hallucinations," a fitting term, akin to supporting a fact by citing a footnote "as revealed in a dream."

These complete or partial fabrications of legal authority have come to be known as "hallucinations," a fitting term, akin to supporting a fact by citing a footnote "as revealed in a dream."

The inclusion of such dreamlike hallucinations in court filings threatens more than embarrassment; it undermines confidence in the judicial process itself.

Courts have a duty to ensure that lawyers not only comply with procedural rules but also embrace their role as officers of the court. Lawyers owe their clients zealous representation. They must advocate fervently and present their clients' positions as persuasively as possible. Yet they also owe a duty to the legal system: to be honest and fair in all representations made to a court.

There has been and always will be a bright line between zealous advocacy and misrepresentation of law or fact.

Civility toward the court and opposing counsel is also essential to the smooth functioning of our legal system. When personalities overshadow principles, and when ego or flamboyance replaces careful analysis, the law itself suffers. Rule 11, Ala. R. Civ. P., exists in part to safeguard against such conduct by providing for sanctions when lawyers cross the line.

Judges are, and should be, hesitant to impose sanctions. Attorneys must be afforded reasonable leeway in advancing their clients' positions in both written and oral advocacy. Judges properly serve as referees, not active participants. Their discretion should ensure that courtroom decorum is preserved and that pleadings accurately reflect the facts and the prevailing law. Doing substantial justice is one hallmark of our legal system.

Our rules require every pleading to be signed by the lawyer submitting it.[1] By signing, a lawyer certifies that the filing is grounded in fact, warranted by existing law (or a good-faith argument for its modification), and not interposed for improper purposes.[2] A breach of that certification may subject the lawyer to sanctions.

Into this established framework enters AI.

Recent reports have highlighted instances where lawyers filed pleadings citing nonexistent cases or mischaracterizing legal authorities generated by AI. There are even reports of judges experimenting with AI tools and encountering similar problems.[3] Courts across the country are now grappling with how to address the ethical and procedural implications of this technology.

Yet, at bottom, citing inaccurate facts or misrepresenting legal authority is not a new phenomenon. Long before AI, briefs cited dissenting opinions as though they were binding precedent. Lawyers have relied uncritically on headnotes and summaries. Some have selectively quoted cases so that language was taken out of context, distorting the holding. Others have cited authorities that, upon inspection, did not support the asserted proposition at all.

Our adversarial system typically uncovers such deficiencies. Opposing counsel responds. Errors are highlighted in rebuttal. Courts are informed. Shortcuts are exposed.

When courts are asked to impose sanctions for such conduct, one of the first considerations should be materiality. Was the misstatement material and calculated to mislead the court on a critical issue? Or was it harmless, sloppy but immaterial, such that removal of the offending citation would not affect the outcome?

There is a critical distinction between citing an accurate, well-settled proposition of law but supporting it with inaccurate authorities and citing as dispositive a fabricated case that materially misstates the controlling law or facts upon which the case turns. It is nothing new for lawyers to shade facts, selectively use quotes and otherwise attempt to achieve a favorable outcome based on shoddy case citation. At times, hallucinations can be a mere technical competence issue that can be corrected with a simple admonishment and continuing education. Lying, however, violates the duty of candor and should be dealt with harshly, as it works a fraud on the court and fundamentally undermines our legal system.

To be clear: citing nonexistent cases, misquoting authorities, or selectively editing judicial opinions is wrong and should be corrected. But the imposition of discipline requires a measured approach. Courts would be wise to consider whether the hallucinated or inaccurate authority was significant, whether it was central to the argument, and whether the lawyer acted with deceit or reckless disregard for the truth. In appellate advocacy, this distinction supplies the reason a brief supported with hallucinated case citations would be deemed deficient under Rule 28(a)(10), Ala. R. App. P., and simply not considered by the court as opposed to giving rise to sanctions.

As society further embraces the information age and as AI tools continue to evolve, AI will remain one of many instruments available to lawyers. Used properly, it can enhance efficiency and effectiveness. Used improperly, it can increase costs, complicate litigation, and erode trust in the justice system.

The mere use of AI should not enhance sanctions under Rule 11. Sanctions should turn not on the presence of AI, but on the substance of the misconduct. If AI is misused in a material way that results in significant misrepresentation, Rule 11 may properly be invoked, just as it would be if the same misconduct occurred without AI.

Whether AI is involved or not, a lawyer's signature certifies that the authorities cited are on point, germane to the proposition asserted, and accurately reflect the state of the law.[4] When that implicit representation proves false in a material way, opposing counsel should expose the deficiency, and courts should consider appropriate remedies to protect the integrity of our legal process.

Maintaining an efficient and trustworthy legal system is a joint endeavor. Lawyers and judges alike must exercise vigilance. Self-policing remains essential. But when pleadings containing egregious misstatements are presented as accurate, sanctions should be carefully considered and imposed where warranted.

Apart from Rule 11, another potential cause for sanctions involving AI use involves the Alabama Rules of Professional Conduct. For example, Rule 1.1 states that a "lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."

Although the Alabama Rules do not explicitly require lawyers to keep up to date with changes in technology, a question arises: at what point does a lawyer's requisite thoroughness and preparation require the use of AI and other technology? Encouraging the appropriate use of AI and understanding how it can assist lawyers in the representation of clients seems implicit in this rule. On the other hand, discouraging or overregulating AI would appear in conflict.

This is more reason to look at the materiality of AI abuse to decide whether sanctions are warranted. If the punishment for using AI is too severe such that AI is discouraged, lawyers might disadvantage themselves by failing to use and understand its benefits. For instance, while it is entirely possible to provide competent representation to a client without the use of AI, let alone technology, if a lawyer fails to conduct the required depth of research, could he be punished for not using AI? Further, if a lawyer can be punished for not using AI under the rule of competence, could a lawyer also be punished for not using AI in other contexts, such as an excessive fee arrangement for not researching with AI? The list goes on and on, and thus, like under Rule 11, the materiality of the abuse must help us gauge the appropriate punishment based on the severity of the conduct.

There is nothing mystical about AI. It is neither savior nor scourge. It is a tool, no more, no less. Like any tool, it is only as good as the workman who uses it.

Hallucinations generated by AI are not insurmountable problems. They are remedied by the age-old disciplines of careful reading, rigorous cite-checking, and review by multiple editors before a final product is filed and certified to a court.

AI is here to stay. The legal profession will adapt, as it has before. With measured oversight, and taking serious professional responsibility, AI can be integrated into modern legal practice without impairing the fair and efficient administration of justice. As we approach the brave new world to integrate various aspects of artificial intelligence into our daily lives, it is important to harness it for all the good it can do in transforming the practice of law and not discourage its use by overregulating, severely sanctioning or limiting it.

After writing this article, I asked an AI program to provide key provisions from the article and a check-list for lawyers. In less than 25 seconds, here was the result:

Key Takeaways:

- **Evolution, Not Revolution:** AI is the natural successor to Westlaw and LexisNexis. It is a tool for efficiency that should be embraced, not a threat to be feared.
- **Focus on Substance:** Sanctions under **Rule 11** should target the *materiality* of a misstatement, not the technology used to produce it. A "hallucination" is a competence issue; a deliberate lie is a candor issue.

- **The Duty of Competence:** Under **Rule 1.1**, failing to utilize AI's speed and analytical depth may eventually lead to disadvantages in thoroughness and cost-effectiveness for the client.
- **Verification is Non-Negotiable:** The "human in the loop" remains essential. AI does not possess professional judgment; lawyers must continue to verify every citation and "Shepardize" all authorities.
- **Avoid Overregulation:** Harsh or specific AI-targeting regulations risk a "chilling effect," preventing the legal profession from evolving and potentially leading to inflated legal fees for outdated manual processes.
- **Signature as Certification:** A lawyer's signature remains the ultimate safeguard, certifying that the work—regardless of how it was drafted—is accurate and warranted by law. ▲

ENDNOTES

1. *See* Ala. R. Civ. P. 11(a).
2. *Id.*
3. Justin Henry, Judge Scraps Opinion After Lawyer Flags Made-Up Quotes, Bloomberg L. (July 23, 2025), https://news.bloomberglaw.com/legal-ethics/judge-withdraws-pharma-opinion-after-lawyer-flags-made-up-quotes.
4. *See* Ala. R. Civ. P. 11(a).

Justice William B. Sellers has served on the Supreme Court of Alabama since 2017 and was reelected to a second full term in 2024. He earned his law degree from the University of Alabama School of Law and an LL.M. in taxation from New York University. Before joining the Court, he practiced law in Montgomery for 28 years, concentrating on taxation, business organizations, finance, and tax litigation.

AI Best Practices: A Checklist for the Modern Lawyer

1. TOOL SELECTION & SECURITY

- ☐ **Use "Legal-Grade" Tools:** Avoid public-facing chatbots (like the free version of ChatGPT) for sensitive work. Use enterprise versions or legal-specific platforms (e.g., CoCounsel, Westlaw Precision, Harvey) that offer "Zero Data Retention" to ensure your queries aren't used to train public models.
- ☐ **Verify SOC 2 Compliance:** Confirm your AI vendor meets industry-standard security certifications (SOC 2 Type II) to fulfill your duty of confidentiality.
- ☐ **Anonymize Sensitive Data:** When possible, scrub personally identifiable information (PII) from prompts unless you are using a strictly private, firm-vetted instance.

2. RESEARCH & DRAFTING VERIFICATION

- ☐ **The "Junior Associate" Rule:** Treat AI output exactly like a draft from a first-year associate. It requires a partner-level review for logic, tone, and accuracy.
- ☐ **Manual Cite-Checking: Never** take a citation at face value. Click through to a verified legal database to confirm the case exists, the page numbers are correct, and the holding supports your specific proposition.
- ☐ **Shepardize/KeyCite:** AI can tell you what a case says, but it may not know if that case was overturned yesterday. Use traditional tools to verify continuing validity.

3. ETHICAL & PROCEDURAL COMPLIANCE

- ☐ **Check Local Rules:** Review the specific standing orders of your judge or circuit. Some courts now require a "Disclosure of AI Use" statement in all filings.
- ☐ **Materiality Review:** Before filing, ask: *"If this AI-generated argument is found to be incorrect, would it be considered a material misrepresentation to the court?"*
- ☐ **Reasonable Fees:** Ensure your billing reflects the time *you* spent prompting and reviewing, not the hours of manual labor the AI saved. AI efficiency should result in lower costs for the client.

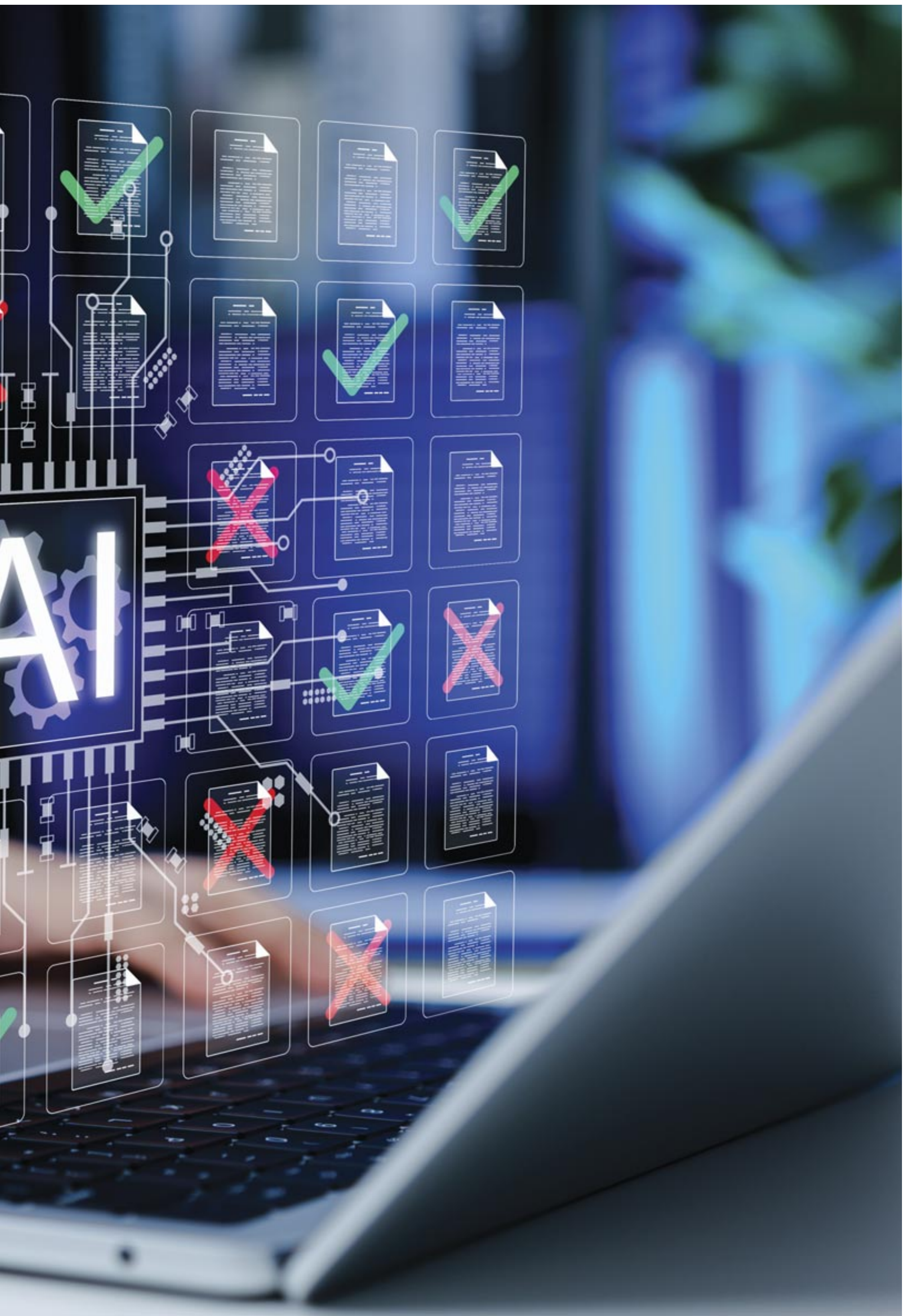
4. CONTINUING COMPETENCE

- ☐ **Prompt Engineering Training:** Invest time in learning how to write better prompts. The quality of AI output is directly tied to the specificity of the human's instructions.
- ☐ **Monitor "Automation Bias":** Guard against the tendency to trust a machine's confident tone. Stay skeptical.
- ☐ **Annual Audit:** Review your AI tools and firm policies at least once a year to stay current with evolving State Bar guidance and technological leaps.

TRUST BUT VERIFY:
An AI Reminder from the Federal Bench

By Judge Harold D. Mooty III,
United States District Court for the Northern District of Alabama

EDITOR'S NOTE: This article grew out of recent discussions among Alabama federal judges and members of the Federal Section of the Birmingham Bar concerning the use of artificial intelligence in preparing motions and briefs. Judge Harold D. Mooty III prepared the article at the request of colleagues on the federal bench, and Chief Judge Madeline Hughes Haikala submitted it for publication on behalf of the U.S. District Court for the Northern District of Alabama as guidance for litigators and clients regarding the responsible use of generative AI in litigation.



INTRODUCTION

It was the phone call no one ever wants to receive from a parent: on the evening of January 12, 2026, my mother told me that my father had been diagnosed with Stage IV cancer. He needed to see the best available oncologist immediately, so I grabbed my iPad and went to work on three parallel research tracks. First, I asked ChatGPT Pro[1] to identify possible specialists and generate appropriate questions to ask them. Second, while the AI model processed my request in the background, I sent several text messages to medical professionals across the state asking for their recommendations. Third, I accessed UAB, Vanderbilt, and Emory's websites and began analyzing the credentials of all oncologists with the requisite specialization. After about an hour, all three research methods pointed to the same oncologist at UAB. The significant point is not that an AI model produced a name, but, rather, that the name survived independent verification through human experts and primary-source

A tool such as ChatGPT Pro can suggest, summarize, organize, translate, and brainstorm, but it cannot certify a filing or satisfy Rule 11 or discharge an attorney's duty of candor or be the "person" whom the court trusts when an attorney signs a pleading, motion, or brief.

research. I sent the oncologist's name to my parents, and my father was admitted to UAB around forty-eight hours later.

In 2026, no one should rely solely on AI for advice, and certainly not medical or legal guidance. Although models such as ChatGPT have improved dramatically, they continue to "creat[e] outputs that are nonsensical or altogether inaccurate,"[2] a phenomenon known as "hallucinating." While it may be tempting to trust a particular AI model that is an "A+ law student,"[3] the results must still be verified. Before I took the bench on October 22, 2025, I trusted the quality of my litigation associates' work product to varying degrees based on their levels of experience, but, before my signature appeared on a filing, it was *my* duty to verify the work that we presented to the court and opposing counsel. Our professional obligations require nothing less. If, before taking the bench, I believed Alabama lawyers had fully absorbed the lessons from AI hallucination sanctions orders such as Judge Manasco's in *Johnson v. Dunn*,[4] the first of its kind in Alabama federal courts, I quickly learned that the issue remains a real and developing concern. As of this article, I have entered three show-cause orders stemming from attorneys' suspected misuse of AI, despite having taken the bench a mere seven months ago.[5]

The point is not that attorneys should never use AI, but, rather, that attorneys may not outsource their own professional judgment to it. A tool such as ChatGPT Pro can suggest, summarize, organize, translate, and brainstorm, but it cannot certify a filing or satisfy Rule 11 or discharge an attorney's duty of candor or be the "person" whom the court trusts when an attorney signs a pleading, motion, or brief. Therefore, to both increase awareness of this problem and decrease its frequency in courts across this state, my peers on the bench asked me to write this article.

WHAT SHOULD WE TRUST?

The oncologist turned out to have precisely the specialization, institutional support, and professional reputation we needed. The trust he instilled in my family is hard-earned and multifaceted, although his credentials speak for themselves: he leads the group at UAB that treats this specific cancer and his peers in the medical community highly recommended him. But, most importantly, he instilled a high level of confidence when my family met with him face-to-face to discuss my father's treatment, something AI is fundamentally unable to do. Generally, we can and should trust the advice of someone in a particular field—whether medicine or law—based on their training, education, and experience. An AI chatbot, on the other hand, is not a credentialed expert. It cannot stand in an office with a patient or a client and convey a similar sense of confidence. Trusting AI's recommendation in selecting an expert is one thing. Trusting AI's advice *in lieu* of an expert is a different, far more dangerous, proposition.

AI tools such as OpenAI's ChatGPT, Anthropic's Claude, Google's Gemini, and Microsoft's Copilot are not experts and should not be treated as such. They have hallucinated in the past and will continue to do so in the future, often in a foundational effort to please or satisfy the user.[6] There are too many recent examples of sycophantic behavior to illustrate,[7] but make no mistake: AI, with all of its strengths and weaknesses, is here to stay. Just like any other tool, it can be incredibly powerful if used correctly:[8] for example, a recent study conducted by Northwestern University revealed that 60% of federal judges use AI in their judicial work to some degree.[9] To be clear, no one in my chambers is permitted to use generative AI to draft an order or opinion because of the obvious risks involved,[10] but that does not mean that AI cannot help explain obscure or unfamiliar legal concepts. For instance, I never practiced admiralty law before taking the bench, yet I feel comfortable having ChatGPT Pro explain certain admiralty terms of art to me in the car after dropping the kids off at school. I never *trust* the explanation; I merely use it as a frame of reference to inform my own independent research. As Chief Justice Roberts has observed, judging requires "quintessentially human functions."[11] AI may *inform* those functions, but it cannot *perform* them. The same is true on the other side of the bench, as clients do not hire attorneys merely for AI to do the work.

Attorneys and doctors have the privilege of serving their clients and patients in an environment grounded in trust. Based on a licensed attorney's signature alone, courts *should* be able to trust the accuracy of all filings in our state and federal courts. Indeed, Rule 11 of both the Federal Rules of Civil Procedure and the Alabama Rules of Civil Procedure states that an attorney's signature functions as a certification that he or she has conducted a reasonable inquiry into the contents of the filing and finds they are all warranted by extant facts and law.[12] Rule 11 *should* be a sufficient gatekeeper, meaning it *should* be unnecessary for judges to require attorneys to separately certify that they have verified the accuracy of any AI-generated citations, no matter the technological advancements attorneys employ to better serve their clients. That is because "[t]o maintain the requisite knowledge and skill, a lawyer *should* keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, [and] engage in continuing study and education."[13]

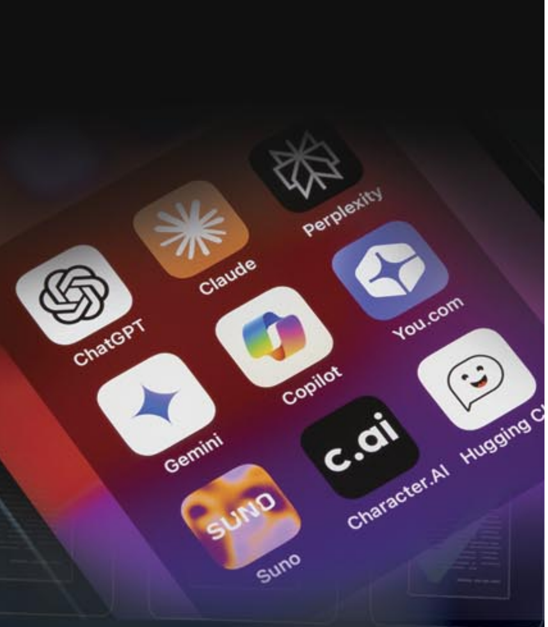
HOW DO WE VERIFY?

My father's oncologist recommended an aggressive form of chemotherapy, with the first round beginning the following day. While I trusted the expert's recommendation, it was still important to verify his advice. Therefore, I personally reviewed the written materials he provided concerning the chemotherapy and independently researched the specific protocol while ChatGPT Pro did likewise on a parallel track. My family also consulted with other oncologists and former patients to verify the effectiveness of the treatment plan. In the practice of law, a similar verification process occurs every day: lawyers consult one another to draw on each other's experience, associates help review and edit each other's work product, and savvy clients often take the initiative to consult with other lawyers inside and outside the firm on the recommended approach. This verification process can be challenging for solo practitioners and *pro se* parties who lack some of the resources of larger firms, but, in 2026, even multinational law firms fall prey to the hallucination dilemma.[14]

Law school teaches us the old-fashioned way of verifying our work. Pull the cases. Read them. Make sure each citation in your draft is correct. Confirm that every quotation in your draft is consistent with the case. Most importantly, make sure the case stands for the proposition you are representing to the court. This is the tried-and-true method to avoid nearly all the AI hallucination issues that plague us today. An attorney who uses AI should be able to answer six questions before filing any document: (1) Does every cited authority exist? (2) Did I pull the authority from a reliable legal database or official source? (3) Does the quoted language appear exactly as quoted at the pincite? (4) Does the cited authority support the proposition asserted? (5) Is the authority still good law? (6) Have I removed or corrected any AI-generated statements that overstate the record, the holding, or the procedural posture? If the answer to any of those questions is "no," the filing is not ready. It is perhaps noteworthy that any partner in any firm in the nation could ask these questions after receiving a draft from an associate: although AI is new, the commonsense safeguards for avoiding its misuses are as old as the legal profession itself.

For lawyers who want additional guardrails, modern legal research platforms now provide tools that make this recurring problem even less excusable. Westlaw's Quick Check, for example, can review a draft brief for cited authority, quotation accuracy, KeyCite warnings, and potentially omitted authority. Other legal research platforms offer, or are developing, similar cite-checking and drafting-assistance tools. The brand name is not the point. What matters is that lawyers now have both old tools and new tools to prevent fake or misleading citations from reaching the courthouse. Let me be clear: there is zero—*zero*—excuse for any attorney to ever file anything with AI-induced flaws.

The newer problem is subtler than the wholly fabricated case name. Sometimes the case exists, but the quotation does not. Sometimes the quotation exists, but not at the pincite. Sometimes the quoted language is an accurate statement of law, but the case does not support the proposition for which counsel cites it. Those errors are harder for a busy court to catch and easier for a busy attorney to rationalize. They are also exactly the kind of errors that ordinary cite-checking is designed to prevent.



If attorneys are increasingly caught filing AI hallucinated cases, quotations, or arguments, it impacts the public perception of the entire legal profession.

WHAT ARE THE RISKS OF NOT VERIFYING?

It is unfathomable that a licensed oncologist would rely on an AI chatbot to determine an appropriate treatment for my father's cancer, as the risks of not verifying medical advice are obvious and potentially life threatening. Indeed, consider the documented hazards of relying on an AI chatbot instead of a doctor for medical advice.[15] While the risk of not verifying legal work product could be life threatening in some situations, such a failure can also destroy a client's business, livelihood, and valuable rights. Ask yourself: if your life or liberty were at stake, and you retained the services of an attorney, would you be satisfied if the attorney simply regurgitated whatever an AI chatbot said? Of course not. In either scenario, the professional would be at risk of losing his or her license and rightly so.

Attorneys must never forget that they are officers of the court. If we normalize the unverified AI "slop"[16] that is reaching courts' dockets, more individuals will forego retaining an attorney altogether and instead choose to litigate their disputes *pro se*. The Northern District of Alabama saw a significant increase in civil *pro se* filings in 2025, a period that also saw the widespread public adoption of generative AI tools.[17] Many of the *pro se* filings we see on the bench are submitted—unedited—straight from the party's chatbot of choice. If attorneys are increasingly caught filing AI-hallucinated cases, quotations, or arguments, it impacts the public perception of the entire legal profession. As Judge Manasco held in *Johnson*:

> There is potential harm to the reputation of judges and courts whose names are falsely invoked as authors of the bogus opinions and to the reputation of a party attributed with fictional conduct. It promotes cynicism about the legal profession and the American judicial system. And a future litigant may be tempted to defy a judicial ruling by disingenuously claiming doubt about its authenticity.[18]

Put differently, "[m]embers of the bar should treat the corpus juris as a shared, common good that we are all obligated to keep pristine and healthy. Hallucinated cases lurk as ghosts at the gate, and attorneys must serve as gatekeepers."[19]

If an AI-generated error reaches the docket, silence, evasion, or, worse yet, an outright lie are all unacceptable. Counsel should promptly notify opposing counsel, file a corrected paper or notice of correction, identify the affected authorities, withdraw or revise any argument built on the error, and explain the steps taken to prevent recurrence. Courts can distinguish an honest mistake promptly corrected from a professional failure compounded by concealment. The latter is far more likely to produce sanctions, referrals, and reputational harm.

Hallucination is not the only AI risk. Lawyers must also understand what information they are placing into a tool, whether that information may be retained or used for training, who may access it, and whether the client has authorized that use. The duty of technological competence is not limited to knowing that AI can hallucinate. It also requires knowing enough about the tool to avoid compromising confidential client information. Finally, a partner cannot avoid responsibility by saying that an associate, paralegal, contractor, or vendor used the tool. For better or worse, the attorney who signs or submits the filing owns the filing.

CONCLUSION

AI's transformative impact on both the medical and legal professions cannot be overstated. Nor can courts simply wait for AI models to improve until hallucinations disappear.[20] The problem before us is not technologically complicated. It is the blocking-and-tackling portion of an attorney's duty to the client and the court: check your work. Pull the case. Read the case. Verify the quote. Confirm the pincite. Shepardize or KeyCite the authority. Make sure the case says what you represent it says.

I do not speak for the entire federal bench in Alabama, but I will say this with confidence: judges are concerned with this recurring problem. Attorneys who continue to file unverified AI-generated authorities should expect to face consequences; their clients should be informed of the risks associated with careless use of AI. Each lawyer has an ethical obligation to the client, to the court, and to the credibility of our justice system. In the immortal words of Coach Nick Saban: "Do your job."[21] ▲

ENDNOTES

1. Before taking the bench, I upgraded my personal subscription to OpenAI's ChatGPT from the "Plus" to the "Pro" version after publishing an article on AI *See* Hal Mooty, *AI in Modern Law Practice: Past the Point of No Return*, 41 Ala. Def. Laws. Ass'n 1 (2025).

2. *What Are AI Hallucinations?*, IBM, https://www.ibm.com/think/topics/ai-hallucinations (last visited May 6, 2026).

3. Karen Sloan, *Artificial Intelligence is Now an A+ Law Student, Study Finds*, Reuters (June 5, 2025, 12:49 PM), https://www.reuters.com/legal/legal-industry/artificial-intelligence-is-now-an-law-student-study-finds-2025-06-05/; Andrew Blair-Stanek et al., AI Gets Its First Law School A+s (Univ. of Md. Sch. of L. 2025).

4. 792 F. Supp. 3d 1241 (N.D. Ala. 2025).

5. *Dokhanian v. Kamrani, et al.*, No. 5:25-cv-232 (N.D. Ala. May 19, 2026); *Miller v. Regions Bank*, No. 2:24-cv-1324 (N.D. Ala. Apr. 10, 2026); *State Nat'l Ins. Co., Inc. v. Treadwell*, No. 2:24-cv-1424 (N.D. Ala. Mar. 17, 2026).

6. *See e.g.*, Varun Magesh et al., *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools*, 22 J. Empirical Legal Stud. 216 (2025) (finding that leading legal AI research tools hallucinated between 17% and 33% of the time, notwithstanding lower hallucination rates than general-purpose AI chatbots).

7. *See Expanding on What We Missed with Sycophancy*, OpenAI (May 2, 2025), https://openai.com/index/expanding-on-sycophancy/; *Sycophancy in GPT-4o: What Happened and What We're Doing About It*, OpenAI (Apr. 29, 2025), https://openai.com/index/sycophancy-in-gpt-4o/.

8. *See* John G. Roberts, Jr., *2023 Year-End Report on the Federal Judiciary* 5–7 (2023) (recognizing AI's potential to increase access to information while warning that AI use requires "caution and humility"); ABA Comm. on Ethics & Pro. Resp., Formal Op. 512 (2024).

9. Anika Jaitley et al., *Artificial Intelligence in Federal Courts: A Random-Sample Survey of Judges*, 27 Sedona Conf. J. _____ (forthcoming 2026); Karen Sloan, *Majority of US Federal Judges Are Using AI, Study Finds*, Reuters (Mar. 30, 2026, 3:48 PM), https://www.reuters.com/legal/government/majority-us-federal-judges-are-using-ai-study-finds-2026-03-30/.

10. *See, e.g.*, Daniel Wu, *Federal Judges Using AI Filed Court Orders With False Quotes, Fake Names,* Wash. Post (Oct. 29, 2025), https://www.washingtonpost.com/nation/2025/10/29/federal-judges-ai-court-orders/.

11. Roberts, *supra* note 8, at 6.

12. Fed. R. Civ. P. 11(b) (providing that by "signing, filing, submitting, or later advocating" a pleading, written motion, or other paper, an attorney certifies that the representations are formed "after an inquiry reasonable under the circumstances"); Ala. R. Civ. P. 11(a) ("The signature of an attorney constitutes a certificate by the attorney that the attorney has read the pleading, motion, or other paper; that to the best of the attorney's knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay.").

13. Ala. R. Pro. Conduct 1.1; Ala R. Pro. Conduct 3.3(a)(1); Ala R. Pro. Conduct 5.1; Ala R. Pro. Conduct 5.3; ABA Comm. on Ethics & Pro. Resp., Formal Op. 512 (2024).

14. *See* Karen Freifeld & Mike Scarcella, *Sullivan & Cromwell Law Firm Apologies for AI "Hallucinations" in Court Filing*, Reuters (Apr. 21, 2026, 11:50 AM), https://www.reuters.com/legal/litigation/sullivan-cromwell-law-firm-apologizes-ai-hallucinations-court-filing-2026-04-21/.

15. Michael Peel, *AI Chatbots Misdiagnose in Over 80% of Early Medical Cases, Study Finds*, Fin. Times (Apr. 14, 2026), https://www.ft.com/content/b10002fc-5fff-4e4d-bf64-0502b2d09bb1?syn-25a6b1a6=1.

16. *Word of the Year 2025: Slop*, Merriam-Webster, https://www.merriam-webster.com/wordplay/word-of-the-year (last updated Dec. 14, 2025) (defining "slop" as "digital content of low quality that is produced usually in quantity by means of artificial intelligence").

17. Data compiled from civil case-opening statistics for the Northern District of Alabama. Civil *pro se* filings averaged 351 cases over the prior ten years and 365 cases over the prior five years. In 2025, civil *pro se* filings totaled 486 cases, approximately 33% above the five-year average and 38% above the ten-year average.

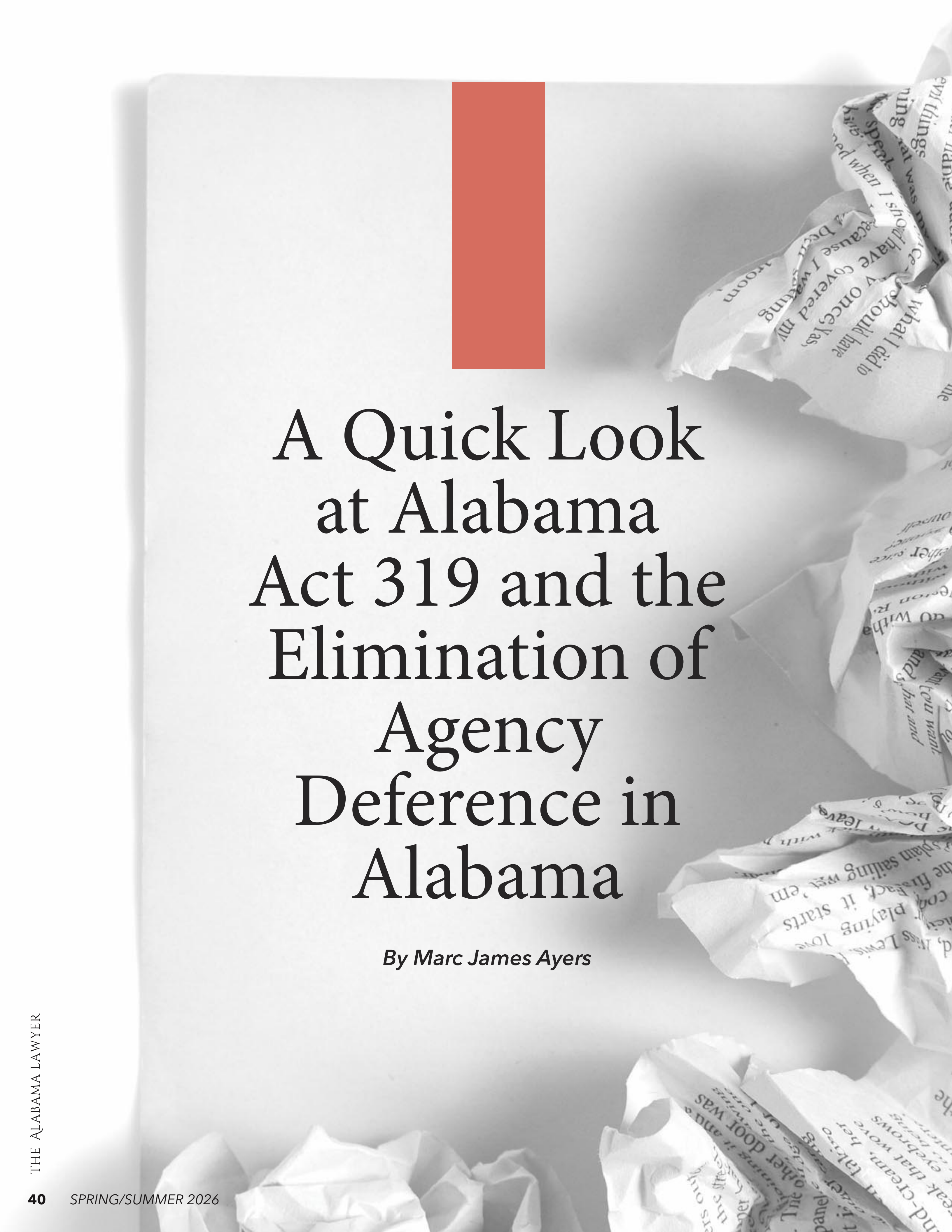
18. *Johnson*, 792 F. Supp. 3d at 1257 (N.D. Ala. 2025) (quoting *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 448–49 (S.D.N.Y. 2023)).

19. Christina M. Frohock, *Ghosts at the Gate: A Call for Vigilance Against AI-Generated Case Hallucinations*, 130 Penn State L. Rev. 1, 2 (2025).

20. Following the sanctions order in *Johnson v. Dunn*, which Judge Manasco issued on July 23, 2025, there have been at least ten orders entered in Alabama federal courts stemming from AI misuse. *See Adams et al. v. 3M Co.*, No. 4:24-cv-832 (N.D. Ala. Apr. 20, 2026); *Pleasant v. Burns*, No. 2:25-cv-1658, 2026 WL 948793 (N.D. Ala. Apr. 8, 2026); *Rivera v. Triad Props. Corp.*, –- F. Supp. 3d ––, 2026 WL 915744 (N.D. Ala. Mar. 31, 2026); *State Nat'l Ins. Co., Inc. v. Treadwell*, –- F. Supp. 3d –-, 2026 WL 861076 (N.D. Ala. Mar. 27, 2026); *Martin v. Redstone Fed. Credit Union*, No. 5:25-cv-548, 2025 WL 2690449 (N.D. Ala. Sept. 19, 2025); *Heimkes v. Fairhope Motorcoach Resort Condo. Owners Ass'n, Inc.*, –- F. Supp. 3d ––, 2026 WL 883120 (S.D. Ala. Mar. 31, 2026); *Devita v. Midtown Motors*, No. 1:25-cv-435, 2026 WL 821818 (M.D. Ala. Mar. 25, 2026); *In re Jackson Hospital & Clinic, Inc.*, No. 25-30256, 2025 WL 3251167 (Bankr. M.D. Ala. Nov. 20, 2025); *Foster v. Author Success Publ'g*, No. 2:25-cv-545, 2025 WL 3022296 (M.D. Ala. Oct. 29, 2025); *United States v. McGee*, 806 F. Supp. 3d 1264 (S.D. Ala. Oct. 10, 2025).

21. A generative AI system did not draft this article. I wrote the article, conducted independent research, and personally reviewed the cited source material. I used ChatGPT Pro only after preparing a draft to identify possible supplemental sources and editing issues, then used Westlaw Precision to verify and format legal citations.

Judge Harold D. "Hal" Mooty III has served as a United States district judge for the Northern District of Alabama since 2025. Before taking the bench, he practiced law in Huntsville for 17 years, most recently as a partner at Bradley Arant Boult Cummings, where his practice focused on commercial litigation, contract and business tort disputes, injunctive relief, insurance coverage, and healthcare matters. He earned his bachelor's degree and law degree from the University of Alabama.



A Quick Look at Alabama Act 319 and the Elimination of Agency Deference in Alabama

By Marc James Ayers

On March 31, 2026, Governor Ivey signed into law Senate Bill 167, which thereby became Alabama Act 2026-319 ("Act 319"). Effective on October 1, 2026,[1] Act 319 will amend Section 41-22-20 of the Alabama Administrative Procedure Act ("AAPA"),[2] the oft-cited provision of the AAPA governing judicial review of administrative agency decisions, to eliminate Alabama's judicially-crafted doctrine of deference to agency interpretations of statutes and administrative rules and regulations.

I. Act 319's revision of current Alabama law

Act 319 revises Section 41-22-20 in two primary ways. First, it adds a new Subsection (l) that prohibits a reviewing court from "deferring" to – meaning adopting regardless of the court's view of whether it is correct – an administrative agency's interpretation of a statute or administrative rule (although the court can certainly consider the interpretation):

> During the review, when interpreting any statute or rule, the court may consider, but shall not defer to, an agency's interpretation and shall instead interpret its meaning and effect without any presumption as to correctness. In an action brought by or against an agency, after applying all customary tools of interpretation, the court shall exercise any remaining doubt in favor of a reasonable interpretation.[3]

Second, Act 319 deletes the opening sentence to Subsection (k), which currently reads:

> Except where judicial review is by trial de novo, the agency order shall be taken as prima facie just and reasonable and the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact, except where otherwise authorized by statute.[4]

Act 319 represents a major shift in Alabama administrative law. Alabama courts have long shown deference to agency interpretations of ambiguous statutes and rules implemented by that agency.[5] But this major shift is not an isolated event; rather, it is part of a larger move away from deference in the federal courts and in many state jurisdictions.

II. Quick summary of federal deference doctrines leading up to Loper Bright

Many state doctrines of deference to administrative interpretations of statutes or rules were patterned after doctrines developed in the federal courts. These federal doctrines have received increasing criticism in court decisions and legal commentaries in recent years, culminating most significantly with the United States Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) ("*Loper Bright*").

A. Summary of federal *Chevron/ Skidmore/Auer* deference doctrines

Over the years, the United States Supreme Court has recognized three types of deference to administrative agency decisions, each touching on a different kind of agency action:

Deference to *formal* agency interpretations of statutes ("*Chevron* deference"). First set forth in *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), courts apply "*Chevron* deference" to administrative statutory interpretations having the force of law, such as in formally promulgated rules or regulations. Under this doctrine, if a statute "is silent or ambiguous with respect to the specific issue," and the agency's interpretation is at least "a permissible construction of the statute," a reviewing court *must* adopt the agency's interpretation.[6]

Deference to *informal* agency interpretations of statutes ("*Skidmore* deference"). *Skidmore* deference[7] can apply to agency interpretations that do not carry the force of law, "such as those in opinion letters[,] policy statements, agency manuals, and enforcement guidelines."[8] Such interpretations are "'entitled to respect' . . . , but only to the extent that those interpretations have the 'power to persuade'" under various factors.[9]

Deference to agency interpretations of its *own regulations* ("*Auer* deference"). *Auer* deference[10] – also known as *Seminole Rock* deference[11] – historically requires a reviewing court to give controlling weight to an agency's reasonable interpretation of *its own genuinely ambiguous regulations* unless it is "plainly erroneous or inconsistent with the regulation,"[12] or unless "there is reason to suspect that the agency's interpretation does not reflect the agency's fair and considered judgment."[13]

Again, the historic criticisms of these doctrines primarily focus on constitutional concerns of separation of powers and the possible displacement of the judicial role.[14] The main concern is that, when applicable, these doctrines *compel* a reviewing court to embrace the agency's interpretation, even if the court would favor a different interpretation in the exercise of its judicial function.

B. *Loper Bright Enterprises v. Raimondo* – *Chevron* deference overruled

In 2024, the United States Supreme Court eliminated the most well-known and operative of the federal deference doctrines – *Chevron* deference – in its landmark decision in *Loper Bright*. Interestingly, the Supreme Court did not do so based on concern for separation of powers under the federal Constitution, although the Court's opinion includes language indicating that that concern was certainly present.[15] Rather, the Court's decision was based upon its interpretation of a federal statute: Section 706 of the federal Administrative Procedure Act ("APA"), which provides that reviewing courts are to decide "all relevant questions of law":

> To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action.[16]

The Supreme Court held that, in light of Section 706's mandate, "courts need not and under the [Administrative Procedure Act] may not defer to an agency interpretation of the law simply because a statute is ambiguous."[17] Rather, while a reviewing court can of course consider agency interpretations – which interpretations may "'constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance'" – under the APA "courts must exercise independent judgment in determining the meaning of statutory provisions" consistent with "the traditional understanding of the judicial function."[18]

Because it based its rationale on the text of the APA, the *Loper Bright* Court not only created the technical possibility that *Chevron*-style deference could return if the APA were amended, but also left for another day the lingering constitutional challenge to deference based on the separation of powers. Two Justices wrote specially to flag that issue, including, not surprisingly, Justice

Clarence Thomas, who, as he had in prior cases, made clear his opinion that *Chevron* deference "violates our Constitution's separation of powers."[19] Justice Thomas opined that "*Chevron* compels judges to abdicate their Article III judicial Power" by "prevent[ing] judges from exercising their independent judgment to resolve ambiguities," and "transfer[s] the Judiciary's interpretive judgment to the agency" "[b]y allowing agencies to definitively interpret laws so long as they are ambiguous."[20]

Of course, *Loper Bright* does not directly impact any state's administrative law jurisprudence. However, the indirect effect of that decision is tangible, especially as *Loper Bright* was released at a time when deference was already under serious reconsideration among the states.

However, like Alabama, most states that have eliminated deference to agency interpretations have done so through legislative enactments, often of differing scope and breadth.

III. Recent movement away from deference among the states

Alabama Act 319 is actually one of the latest in a series of moves by various states to eliminate their own state-law doctrines of deference to administrative interpretations. Well before *Loper Bright*, some states had already abandoned deference, and that movement has continued in various ways – by constitutional amendment, judicial decision, and statutory enactment.

For example, in 2018 Florida eliminated its deference doctrine by way of a broadly-worded constitutional amendment. Interestingly, in enshrining this principle against deference into its constitution, Florida made clear that no deference will be given to an administrative interpretation of a statute or rule by either a judge or even by an administrative hearing officer:

> In interpreting a state statute or rule, a state court or an officer hearing an administrative action pursuant to general law may not defer to an administrative agency's interpretation of such statute or rule, and must instead interpret such statute or rule de novo.[21]

Several states have rejected deference through judicial decisions from those states' highest courts, focusing primarily on concerns of separation of powers.[22] The North Carolina Supreme Court's summation of the issue is typical:

> This "de novo" standard of review makes particular sense when reviewing an executive-branch agency's interpretations of a statute. This Court has long held that a core part of state judicial power is the authority to say what the law is. Thus, it is the exclusive right of the judiciary to interpret laws enacted by the General Assembly and "neither the executive nor the legislative department has any such power."[23]

As is the following from the Ohio Supreme Court:

> First, it is never mandatory for a court to defer to the judgment of an administrative agency. Under our system of separation of powers, it is not appropriate for a court to turn over its interpretative authority to an administrative agency. But that is exactly what happens when deference is mandatory. When we say that we will defer to an administrative agency's reasonable interpretation of a statute, or its reasonable interpretation of an ambiguous statute, we assign to the agency a range of choices about statutory meaning. We police the outer boundaries of those choices, but within the range (e.g., reasonableness), the agency renders the interpretive judgment.[24]

However, like Alabama, most states that have eliminated deference to agency interpretations have done so through legislative enactments, often of differing scope and breadth. Just a few examples illustrate the divergence of these statutes:

Wisconsin's enactment is a codification of a Wisconsin Supreme Court decision[25] and merely states in straightforward fashion that, "[u]pon review of an agency action or decision, the court shall accord no deference to the agency's interpretation of law."[26] Indiana's provision is similar, providing that "[t]he court shall decide all questions of law, including any interpretation of a federal or state constitutional provision, state statute, or agency rule, without deference to any previous interpretation made by the agency."[27]

Other states go further and not only forbid deference but actually direct courts to resolve resultant ambiguities in a particular manner. For example, Tennessee's 2022 enactment provides:

> In interpreting a state statute or rule, a court presiding over the appeal of a judgment in a contested case shall not defer to a state agency's interpretation of the statute or rule and shall interpret the statute or rule de novo. *After applying all customary tools of interpretation, the court shall resolve any remaining ambiguity against increased agency authority.*[28]

Similarly, Kansas' recently-enacted provision states that:

> [i]n an action brought by or against a state agency, after applying all customary tools of interpretation and rules of statutory construction pursuant to law, a state court or an administrative hearing officer hearing an administrative action shall exercise any remaining doubt *in a way that is consistent with an individual's fundamental constitutional rights.*[29]

Oklahoma combines these related concepts and requires "the court or hearing officer [to] exercise any remaining doubt in favor of a reasonable interpretation which limits agency power and maximizes individual liberty,"[30] as do Idaho and Missouri.[31]

Arizona's enactment adds an additional twist, in that it directs not only that courts "shall decide all questions of law" but also "all questions of *fact*" without deference to an agency:

> In a proceeding brought by or against the regulated party, the court shall decide all questions of law, including the interpretation of a constitutional or statutory provision or a rule adopted by an agency, without deference to any previous determination that may have been made on the question by the agency. In a proceeding brought by or against the regulated party, the court shall decide all questions of fact without deference to any previous determination that may have been made on the question by the agency.[32]

Alabama's Act 319 has some, but not all, aspects found in the enactments of its sister states, but clearly eliminates Alabama's doctrines of deference in judicial challenges governed by the AAPA – both Chevron*-style and* Auer*-style deference.*

Alabama's Act 319 has some, but not all, aspects found in the enactments of its sister states, but clearly eliminates Alabama's doctrines of deference in judicial challenges governed by the AAPA – both *Chevron*-style and *Auer*-style deference. Accordingly, the Act is sure to have a significant and immediate impact on the world of administrative law in Alabama.

IV. Potential issues facing courts applying Act 319

The enactment of Act 319 is also likely to raise various collateral issues calling for judicial resolution (and potentially legislative refinement) concerning the Act's application. Some of these issues could themselves be the subject of lengthy articles, and it is the intent of this brief discussion to merely identify, rather than attempt to resolve, some of the potential issues.

A. Effect of Act 319 on agency findings of fact

One issue that could arise – as it has arisen in other states – concerns whether the standards of judicial review of an agency's fact-finding are affected by Act 319's elimination of deference. In Alabama, where a court is not reviewing an agency decision by way of a trial *de novo* (wherein the court hears and considers new, live testimony), such findings of fact have been given deference akin to findings made by a jury or by a judge hearing evidence *ore tenus*: the findings are not disturbed unless there is no relevant, competent evidence in the record from which such a finding could have been made.[33] As a corollary to this well-established standard, the mere presence of *contrary* evidence in the record is not particularly relevant so long as there is substantial evidence to support the finding.[34] Alabama courts applying these standards in reviewing agency decisions often cite as a part of that analysis the first sentence of Section 41-22-20(k), which provides: "Except where judicial review is by trial de novo, the agency order shall be taken as prima facie just and reasonable and the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact, except where otherwise authorized by statute."[35] As noted above, Act 319 deletes this sentence, perhaps raising questions as to whether and to what extent Alabama courts reviewing agency orders are to make their own factual findings. Several factors will likely impact and inform that analysis.

First, unlike the Arizona provision noted above that expressly states that a reviewing court "shall decide all questions of fact without deference to any previous determination that may have been made on the question by the agency,"[36] Alabama's Act 319 includes no such language and therefore has no such express directive. Rather, based on its text, the Act directs only that courts interpret *statutory or regulatory text* without any deference to the agency's interpretation.

Second, the elimination of the first sentence of Section 41-22-20(k) need not be seen as a rejection of the traditional deference shown to agency factual findings. Instead, it is possible that the Legislature deleted this sentence as a "belt-and-suspenders" effort to avoid any confusion with the Act's new anti-deference provision given that the sentence applies to agency "orders" and agency orders will often contain interpretations of statutory or regulatory texts (in addition to factual findings). And the revised Section 41-22-20(k) retains the same standards for reversing an agency decision, including, among other bases, where the agency action is "[c]learly erroneous in view of the reliable, probative, and substantial evidence on the whole record" or "[u]nreasonable, arbitrary, or capricious, or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion."[37] As the United States Supreme Court stated in *Loper Bright*, such standards by nature indicate a level of deference for the agency's factual findings. The Court held that "[the federal APA] *does* mandate that judicial review of agency policymaking and factfinding be deferential" and cited Sections 706(2)(A) and 706(2)(E) of the APA as providing, respectively, that an "agency action" can be set aside if it is ""arbitrary, capricious, [or] an abuse of discretion" and "agency factfinding in formal proceedings" can be set aside if it is "unsupported by substantial evidence."[38]

Third, where the agency's factual findings are based on the receipt by the agency of live testimony, it would not seem possible for a reviewing court to truly make its *own* findings of fact without itself hearing live testimony. But not all judicial reviews of agency orders provide for the reception of live testimony, especially before the appellate courts.

Finally, to the extent that making factual findings *necessarily* implicates the particular agency's expertise and experience – and one of the core principles of administrative law is that each agency is considered to have expertise and acquired experience in its particular area[39] – it would be difficult if not impossible for a reviewing court to properly make its own findings, as the judiciary does not have that specific expertise or experience. Such an exercise might also implicate separation of powers problems in the opposite direction. Just as concerns for separation of powers are raised when executive-branch administrative agencies are issuing binding interpretations of statutes or rules (something that the judiciary is specifically trained and constitutionally entrusted to do), those same concerns might be cited with respect to the judiciary engaging in fact-finding in an area *requiring* the expertise and experience held by an administrative agency.

B. Effect of Act 319 on agency factor-balancing

Another potential issue, perhaps related to the fact-finding question above, is whether Act 319 impacts the traditional deference that courts give to agency determinations requiring the consideration of certain statutory and regulatory *factors* – not necessarily individually-essential *elements* – and a determination whether the *overall balance* of those factors weighs in favor of the applicant or petitioner. One oft-litigated example is the determination of whether a healthcare provider should be granted a certificate of need ("CON") to establish some facility or service, which requires the State Health Planning and Development Agency to "giv[e] appropriate consideration to" and balance various statutory and regulatory factors to make a determination as to whether there is a sufficient "need" for the project.[40]

Again, Act 319 does not contain an explicit statutory directive that reviewing courts perform anew the "consideration" and balancing of such factors. And, as with the issue of fact-finding discussed above, the question may turn on whether the factors at issue by their very nature invoke and require the agency's particular, legislatively-entrusted experience and expertise (which reviewing courts do not possess). In such a case, courts may defer to – and, under Alabama's commitment to separation of powers, may feel constitutionally bound to defer to – an agency's determination as to the yield of the "balance" so long as there is a reasonable basis from the record supporting that determination.[41]

C. Application to judicial review of agency orders governed by other provisions

Technically, Act 319 applies to eliminate deference in only judicial review of agency decisions governed by Section 41-22-20 of the AAPA. However, other kinds of agency rulings and orders are governed by separate judicial review provisions. For example, judicial review of orders of the Alabama Oil and Gas Board is accomplished by filing a civil action governed by Section 9-17-15 of the Alabama Code, which provides, in part, that "any rule, regulation or order made or promulgated under this article shall be deemed prima facie valid, and the court shall be limited in its consideration to a review of the record of the proceedings before the board, and no new or additional evidence shall be received."[42] Reviewing courts will have to resolve whether and to what extent Act 319's revisions to the AAPA impact the specialized judicial review provisions that exist in other sections of the Alabama Code.[43] Of course, because Alabama's *Chevron*/*Auer*-style deference doctrines are judicially-crafted doctrines, the Supreme Court of Alabama could abandon those doctrines at any time regardless of the reach of the AAPA or Act 319.[44]

D. Requirement of a "reasonable interpretation"

Act 319 does not only forbid reviewing courts from automatically deferring to agency interpretations of statutory and regulatory text, but also requires courts to, "after applying all customary tools of interpretation, . . . exercise any remaining doubt in favor of a reasonable interpretation."[45] Theoretically, this additional step – by which the Legislature is affirmatively directing the Judiciary as to how to perform its interpretive role – could itself raise constitutional issues.[46]

Alabama's Constitution contains a particularly strong separation-of-powers provision:

> To the end that the government of the State of Alabama may be a government of laws and not of individuals, and except as expressly directed or permitted in this constitution, the legislative branch may not exercise the executive or judicial power, the executive branch may not exercise the legislative or judicial power, and the judicial branch may not exercise the legislative or executive power.[47]

However, any constitutional conflict stemming from Act 319's directive seems unlikely because, unlike with the anti-deference provisions enacted in Tennessee and other states noted above – provisions that direct a reviewing court's manner of interpreting ambiguous statutes in far more concrete and specific manners – Act 319 requires only that the reviewing court default to a "reasonable interpretation," and the textualist approach followed by Alabama's judiciary already seeks a "reasonable" interpretation of the actual text.[48]

E. Effect of Act 319 on appeals pending at the time of the effective date

Act 319 does not direct that it will be applicable only to actions commenced after a certain date, as the Legislature did, for example, when it abolished the "scintilla rule" in favor of the "substantial evidence" standard in Alabama Code § 12-21-12. There, the Legislature directed that "[t]his section shall not apply to any civil action pending in the courts of this state on June 11, 1987."[49] Rather, Act 319 provides that its provisions "*shall become effective* on October 1, 2026."[50] Because in administrative appeals under the AAPA review by each court is governed by Section 41-22-20,[51] Act 319's phrasing might raise questions as to whether a reviewing court should apply the provisions of Act 319 in a challenge to an agency decision commenced prior to October 1, 2026, but which goes to a judgment after that effective date.

The answer to that question will depend on how the courts construe the effective date language ("shall become effective") and perhaps whether the courts consider Act 319 to be a "remedial" statute. Remedial statutes are "those relating to remedies or modes of procedure, which do not create new rights or take away vested ones" and "operate retrospectively, in the absence of language clearly showing a contrary intention."[52] A remedial statute "may be applied on appeal, even if the effective date of that statute occurred while the appeal was pending, and even if the effective date of the statute was after the judgment in the trial court."[53] Should a reviewing court consider the provisions of Act 319 – or at least Act 319's directive that the court interpret statutes or rules without deference – to be remedial in this sense, then Act 319's provisions may apply regardless of the date of commencement of the underlying request for judicial review.

Conclusion

Given the swelling national movement away from agency deference, and Alabama's strong adherence to the separation of powers, the enactment of Act 319 was not exactly a surprise. Neither will it be a surprise that Act 319 will substantially impact whether, and how, parties challenge administrative decisions in Alabama going forward.

ENDNOTES

1. 2026 ALA. ACTS 319, at § 2.
2. § 41-22-1 *et seq.*, ALA. CODE 1975.
3. 2026 ALA. ACTS 319, at § 1.
4. *Id.*
5. *See*, *e.g.*, *Ex parte Chesnut*, 208 So. 3d 624, 640 (Ala. 2016) (" . . . [A] reviewing court will accord an interpretation placed on a statute or an ordinance by an administrative agency charged with its enforcement great weight and deference."); *Fowler v. Johnson*, 961 So. 2d 122, 130 (Ala. 2006) ("[A]n agency's interpretation of its own regulation must stand if it is reasonable, even though it may not appear as reasonable as some other interpretation.") (alteration in original) (citation and quotations omitted); *Ex parte State Dep't of Rev.*, 683 So. 2d 980, 983 (Ala. 1996) (". . . [I]n interpreting a statute, a court accepts an administrative interpretation of the statute by the agency charged with its administration, if the interpretation is reasonable.").
6. *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837, 843 (1984).
7. *See Skidmore v. Swift & Co.*, 323 U.S. 134 (1944).
8. *Christensen v. Harris County*, 529 U.S. 576, 587 (2000).
9. *Id.* (quoting *Skidmore*, 323 U.S. at 140); *see also*, *e.g.*, *United States v. Mead Corp.*, 533 U.S. 218, 228 (2001) (noting that under *Skidmore* an administrative interpretation is to be given weight "'depend[ing] upon the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control'") (quoting *Skidmore*, 323 U.S. at 140).
10. *See Auer v. Robbins*, 519 U.S. 452 (1997).
11. *See Bowles v. Seminole Rock & Sand Co.*, 325 U.S. 410 (1945).
12. *Christopher v. SmithKline Beechman Corp.*, 567 U.S. 142, 155 (2012) (quoting *Auer*, 519 U.S. at 461).
13. *Id.* (quoting *Auer*, 519 U.S. at 462). In 2019, the Supreme Court reaffirmed *Auer* with some refinements in *Kisor v. Wilkie*, wherein, for example, the Court noted that the interpretation must reflect "the agency's 'authoritative' or 'official position,'" 588 U.S. 558, 577 (quoting Mead, 533 U.S. at 257 (Scalia, J., dissenting)), and "must in some way implicate its substantive expertise," *id*.
14. *See, e.g.*, *Michigan v. EPA*, 576 U.S. 743, 761–763 (2015) (Thomas, J., concurring).
15. *Loper Bright*, 603 U.S. at 384-87.
16. 5 U.S.C. § 706.
17. *Loper Bright*, 603 U.S. at 413.
18. *Id.* at 394 (quoting *Skidmore*, 323 U.S. at 140).
19. *Id.* at 413 (Thomas, J., concurring, citing previous writings).
20. *Id.* at 413–15 (Thomas, J., concurring) (citations and quotations omitted); *see also id.* at 433 (Gorsuch, J., concurring) ("*Chevron* deference . . . precludes courts from exercising the judicial power vested in them by Article III to say what the law is. It forces judges to abandon the best reading of the law in favor of views of those presently holding the reins of the Executive Branch.").
21. FLA. CONST. art. V, § 21 (entitled "Judicial interpretation of statutes and rules").
22. *See Myers v. Yamato Kogyo Co.*, 597 S.W.3d 613, 617 (Ark. 2020); *Pub. Water Supply Co. v. DiPasquale*, 735 A.2d 378, 381-83 (Del. 1999); *Douglas v. Ad Astra Info. Sys., LLC*, 293 P.3d 723, 728 (Kan. 2013); *In re Complaint of Rovas Against SBC Michigan*, 754 N.W.2d 259, 270 (Mich. 2008); *King v. Miss. Military Dep't*, 245 So. 3d 404, 407-08 (Miss. 2018); *Savage v. N.C. Dep't of Transp.*, 919 S.E.2d 144, 148-49 (N.C. 2025); *TWISM Enters., LLC v. State Bd. of Registration for Pro. Eng'rs & Surveyors*, 223 N.E.3d 371, 381 (Ohio 2022); *Murray v. Utah Labor Comm'n*, 308 P.3d 461, 472 (Utah 2013). *See also*, *e.g.*, *Miss. Methodist Hosp. & Rehab. Ctr., Inc. v. Miss. Div. of Medicaid*, 319 So. 3d 1049, 1054-55 (Miss. 2021) (rejecting Mississippi's version of *Auer*-style deference to interpretations of agency regulations).
23. *Savage*, 919 S.E.2d at 148 (citations and quotations omitted)
24. *TWISM Enters.*, 223 N.E.3d at 381.
25. *Tetra Tech EC, Inc. v. Wis. Dep't of Rev.*, 914 N.W.2d 21 (Wis. 2018).
26. WIS. STAT. ANN. § 227.57(11). *See also id.* § 227.10(2g) ("No agency may seek deference in any proceeding based on the agency's interpretation of any law.").
27. IND. CODE ANN. § 4-21.5-5-11(b). *See also* GA. CODE ANN. § 15-1-24(a); LA. STAT. ANN. § 49:978.1(H); KY. REV. STAT. ANN. § 13B.150(3); NEB. REV. STAT. ANN. § 84-919.02; TEX. GOV'T CODE ANN. § 2001.1721. *But see* D.C. CODE ANN. § 2-510(c)-(e) (*requiring* reviewing courts to defer to a reasonable agency interpretation of a statute or rule and providing factors of "reasonableness").
28. TENN. CODE ANN. § 4-5-326 (emphasis added).
29. 2026 KAN. SESS. LAWS § 1(b) (emphasis added).
30. OKLA. STAT. ANN. tit. 75, § 318(E).
31. *See* IDAHO CODE ANN. § 67-5279(5) ("[T]he court shall exercise any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty."); MO. ANN. STAT. § 536.140(3) ("[T]he court or hearing officer shall decide any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.").
32. ARIZ. REV. STAT. ANN. § 12-910(F).
33. *See*, *e.g.*, *Foley Hosp. Corp. v. Gulf Health Hosps., Inc.*, 157 So. 3d 925, 935 (Ala. Civ. App. 2014) (holding that "that there was substantial evidence from which Certificate of Need Review Board of Alabama State Health Planning and Development Agency ('SHPDA') could find that there was a community need for a second cardiac-catheterization laboratory at South Baldwin's facility"); *State Health Plan. & Dev. Agency v. Baptist Health Sys., Inc.*, 766 So. 2d 176, 181 (Ala. Civ. App. 1999) (noting that role of reviewing court is simply "to determine if there was substantial evidence on record to support the SHPDA Board's decision, not to make its own decision based on its view of the facts").
34. *See Foley Hosp. Corp.*, 157 So. 3d at 935; *Baptist Health Sys,*, 766 So. 2d at 181. This familiar standard of review is applied across the country in judicial review of agency decisions. *See*, *e.g.*, *Southbury Driving Acad. v. Comm'r of Motor Vehicles*, 2014 WL 3715079, at *8 (Conn. Super. Ct. June 18, 2014) ("The fact that the plaintiff may have produced contrary evidence is irrelevant at this stage, as the court must defer to the agency's assessment of the credibility of the witnesses and to the agency's right to believe or disbelieve the evidence presented by any witness, even an expert, in whole or in part.") (citation and internal quotations omitted); *Fla. Dep't of Highway Safety & Motor Vehicles v. Wiggins*, 151 So. 3d 457, 464 (Fla. 1st DCA 2014), *aff'd sub nom. Wiggins v. Fla. Dep't of Highway Safety & Motor Vehicles*, 209 So. 3d 1165 (Fla. 2017) ("Evidence contrary to the agency's decision is outside the scope of the inquiry at this point, for the reviewing court above all cannot reweigh the 'pros and cons' of conflicting evidence. While contrary evidence may be relevant to the wisdom of the decision, it is irrelevant to the lawfulness of the decision. As long as the record contains competent substantial evidence to support the agency's decision, the decision is presumed lawful and the court's job is ended.") (quotation and emphasis omitted); *Dillavou v. Plasic Injection Molders, Inc.*, 856 N.W.2d 3, *3 (Iowa Ct. App. 2014) ("[T]he question on appeal is not whether the evidence supports a different finding than the finding made by the commissioner, but whether the evidence supports the findings actually made. Therefore, it is irrelevant that contrary evidence exists because there is nevertheless substantial evidence that supports the agency's findings of fact.") (citation omitted; unpublished); *Miss. Pub. Serv. Comm'n v. Merchants Truck Line, Inc.*, 598 So. 2d 778, 782 (Miss. 1992) ("The Commission had before it the whole ball of wax. It was clearly the Commission's prerogative on [a] disputed issue to adopt whichever . . . view it chose to give credence to. The Commission, with its expertise, is the trier of facts and within this province it has the right to determine the weight of the evidence, the reliability of estimates and the credibility of the witnesses.") (internal quotations omitted);

Allen v. Green Ridge R-VIII Sch. Dist., 892 S.W.2d 635, 637 (Mo. Ct. App. 1994) ("Even if the evidence would warrant either of two findings, the courts are bound by the Commission's determination and the existence of contrary evidence is irrelevant."); *State Comp. Mut. Ins. Fund v. Reeves*, No. WCC No. 9109-6259, 1992 WL 92466, at *5 (Mont. Work. Comp. Ct. Mar. 23, 1992) ("Again, the Court believes the insurer has misapprehended the Court's role. The question before the Court is not to consider facts not found by the hearing examiner, nor to assign weight to those facts. Rather the limited scope of review is whether the record supports Finding of Fact No. 15. The SCMIF concedes it does. The fact that contrary evidence is in the record is not relevant."); *Garvey vs. Pa. Power Co.*, No. A01-1721, 2002 WL 31814628, at *3 (Pa. Work. Comp. App. Bd. Dec. 10, 2002) ("[T]he proper inquiry is whether there is evidence to support a WCJ's finding, not whether there is evidence supporting a contrary finding. . . . As this is sufficient evidence to support a finding that Claimant's [sic] had pre-existing degenerative disc disease and that the July 26, 1999 surgery was unrelated to his work injury, any contrary evidence is irrelevant to our review.") (citation omitted).

35. 2026 Ala. Acts 319, at § 1.
36. Ariz. Rev. Stat. Ann. § 12-910(F).
37. § 41-22-20(k)(6) & (7), Ala. Code 1975.
38. 603 U.S. at 392 (quoting 5 U.S.C. § 706(2)(A) & (E)). *See also Tarr v. Arkansas State Bd. of Nursing*, 711 S.W.3d 799, 803 (Ark. App. 2025) (noting that after elimination of *Chevron* deference "judicial review of agency *fact-finding* remains deferential").
39. *See*, *e.g.*, *Sylacauga Health Care Ctr. v. Ala. State Health Planning Agency*, 662 So. 2d 265, 267 (Ala. Civ. App. 1994) (noting that agency had "recognized expertise in [this] specific, specialized area").
40. *See* § 22-21-264(4), Ala. Code 1975; Ala. Admin. Code § 410-1-6-.06. *See also*, *e.g.*, *Ex parte HealthSouth of Ala., LLC*, 207 So. 3d 39, 42 (Ala. 2016) ("Section 22–21–264, Ala. Code 1975, establishes eight *nonexclusive* factors SHPDA must consider, *i.e.*, SHPDA may consider other factors, in making its findings. . . . But 'financial feasibility' is one of only eight subfactors SHPDA must balance and 'giv[e] appropriate consideration to' in considering whether there is a 'substantially unmet public requirement' for the services proposed by the CON application.").
41. *Accord*, *e.g.*, *City of Dothan v. McCleskey*, 24 So. 3d 1105, 1107-08 (Ala. Civ. App. 2008) ("In the administrative-law context, substantial evidence exists if there is a rational basis for the conclusions approved by the administrative body.") (citation and internal quotations omitted); *Kids' Klub, Inc. v. State Dep't of Human Resources*, 874 So. 2d 1075, 1082 (Ala. Civ. App. 2003) (a court "must apply a presumption of correctness to the agency's decision, especially where the subject matter is peculiar to the field of competence that has been entrusted to the agency by the Alabama Legislature") (citation and internal quotations omitted).
42. § 9-17-15, Ala. Code 1975. *See also Ex parte Wilson*, 984 So. 2d 1161, 1174 n.6 (Ala. 2007) (Cobb, C.J., dissenting) (listing several other statutory provisions governing judicial review of other types of administrative rulings and orders).
43. *See*, *e.g.*, *Ex parte GASP*, 285 So. 3d 228, 233 (Ala. 2019); *Ex parte Varner*, 571 So. 2d 1108, 1109 (Ala. 1990); *Target Corp. v. Jefferson Cnty. Bd. of Equalization*, 197 So. 3d 1006, 1013 (Ala. Civ. App. 2015) (Donaldson, J., dissenting). Another related issue that might arise is whether and to what extent Act 319 applies in cases where no agency is an actual party, but an agency's interpretation of a statute or regulation is used to bolster one of the party's positions. By its terms, Section 41-22-20 applies only to parties in contested cases stemming from agency decisions.
44. Indeed, members of the Supreme Court of Alabama and the Alabama Court of Civil Appeals have recently indicated doubt as to the lasting vitality of Alabama's deference doctrines. *See*, *e.g.*, *Ex parte TheraTrue Ala., LLC*, [Ms. SC-2025-0006; Oct. 31, 2025] __ So. 3d __, 2025 WL 3042516, at *1 (Ala. 2025) (McCool, J., concurring) (noting an openness "to reconsidering Alabama's precedents that require judicial deference to a state agency's reasonable statutory interpretation"); *Ala. Crime Victims Comp. Comm'n v. Thomas*, [Ms. CL-2025-0178; Dec. 19, 2025] __ So. 3d __, 2025 WL 3684448, at *10 (Ala. Civ. App. 2025) (Fridy, J., concurring) (noting that "I am doubtful that the principle of judicial deference to agency interpretation will survive much longer in Alabama law").
45. 2026 Ala. Acts 319, at § 1.
46. *See HWCC-Tunica, Inc. v. Miss. Dep't of Rev.*, 296 So. 3d 668, 677 (Miss. 2020) (noting that any effort to *require* deference by statute would violate Mississippi Constitution because "[i]nterpreting statutes is reserved exclusively for courts").
47. Ala. Const. § 42(c).
48. *See*, *e.g.*, *James v. McKinney*, 729 So. 2d 264, 267 (Ala. 1998) ("When interpreting a statute, we must consider it as a whole and must construe it reasonably so as to harmonize all of its provisions."); *Berry v. State*, 299 So. 3d 336, 346 (Ala. Crim. App. 2020) ("As we have so often said, statutes must be given a reasonable interpretation, not one that is illogical, incompatible with common sense, or that would reach an absurd result that could not possibly have been intended by the Legislature.") (citation and internal quotations omitted). *See also* Jay Mitchell, *Textualism in Alabama*, 74 Ala. L. Rev. 1089, 1090 (2023) ("When presented with a dispute over the meaning of written law, a textualist judge does not speculate about what legislators privately *wanted* the law to accomplish nor does he ask what a more sensible law *should* have said. He asks only how the text would be best understood by a reasonable, well-informed person reading the text in its historical and linguistic context."); *id.* at 1100 ("The textualist judge simply asks which of the possible meanings is the most objectively reasonable and then applies that meaning.").
49. § 12-21-12(e), Ala. Code 1975. *See*, *e.g.*, *Fahey v. C.A.T.V. Subscriber Servs., Inc.*, 568 So. 2d 1219, 1222 (Ala. 1990) ("Thus, a question of first impression is presented: if a plaintiff's original complaint is pending on June 11, 1987, but an amended complaint is filed after that date, which rule applies to a summary judgment motion addressing a claim contained only in the amended complaint? We hold that the 'scintilla rule' applies. Section 12–21–12 is clear in its language, 'This section shall not apply to any civil *action* pending in the courts of this state on June 11, 1987.' The Faheys' action was pending on June 11, 1987, and any amendment asserting a claim that arose out of the occurrence set forth in the original complaint relates back to the date of the filing of the original complaint. *See* Rule 15(c), Ala. R. Civ. P.").
50. 2026 Ala. Acts 319, at § 2 (emphasis added).
51. *See Ex parte Med. Licensure Comm'n of Ala.*, 897 So. 2d 1093, 1096 (Ala. 2004) (upon review following review by circuit court and by Court of Civil Appeals, stating: "Our review of the Commission's order is controlled by § 41–22–20(k), Ala. Code 1975."); *Ala. Dep't of Env't Mgmt. v. Hagood*, 695 So. 2d 48, 50 (Ala. Civ. App. 1997) (reviewing decision of State Personnel Board, following review by Montgomery County Circuit Court, and stating: "Our review is governed by § 41–22–20(k), Ala. Code 1975."); *State Dep't of Corr. v. Cooke*, 530 So. 2d 839, 840 (Ala. Civ. App. 1988) ("Our review of an order issued by the Board in this case, as was the review by the Circuit Court of Montgomery County, is governed by Ala. Code 1975, § 41–22–20.").
52. *Street v. City of Anniston*, 381 So. 2d 26, 29 (Ala. 1980).
53. *Ex parte Bonner*, 676 So. 2d 925, 926-27 (Ala. 1995) (citation, internal quotations, and emphasis omitted).

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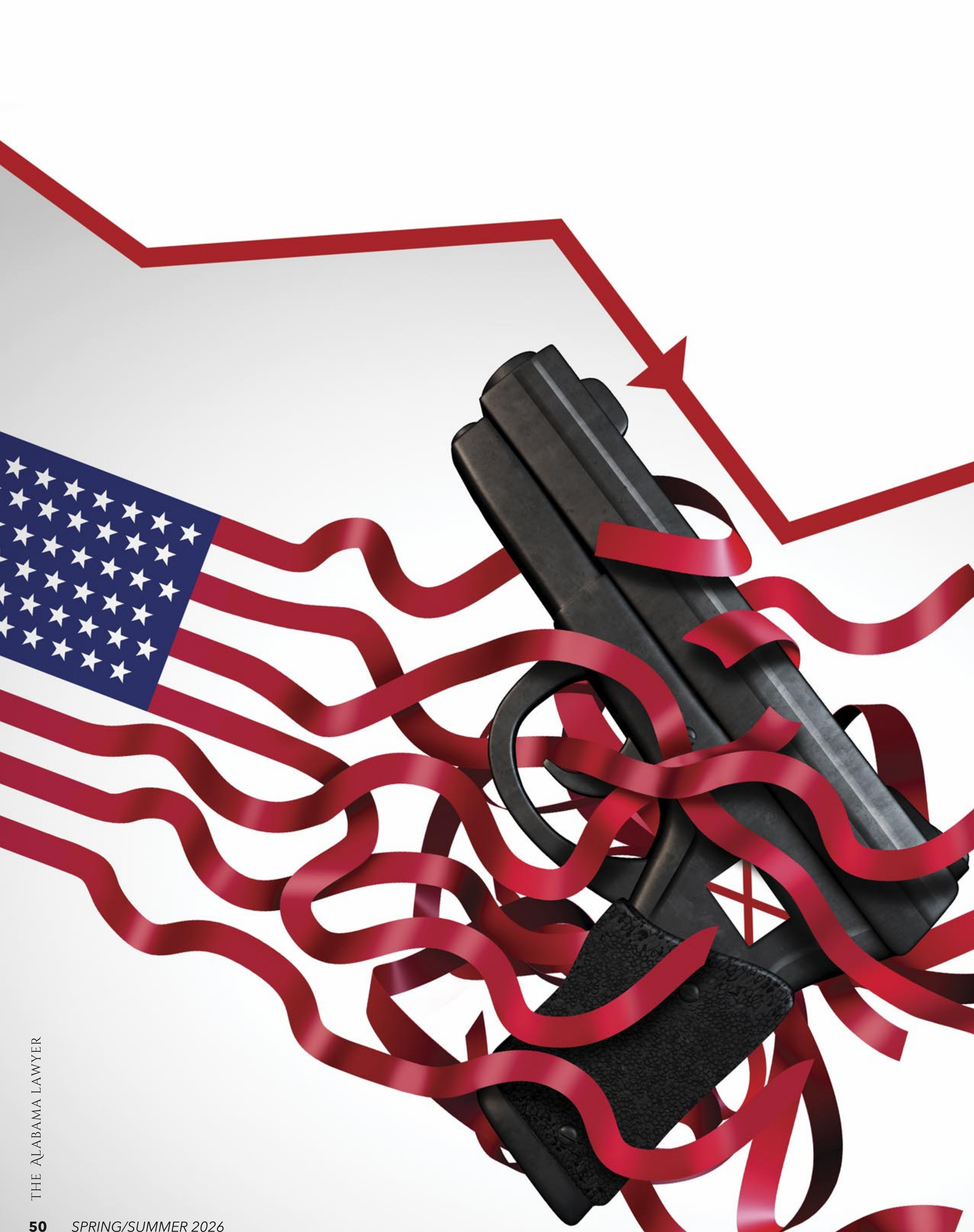

The Dwindling Relevancy of Alabama's Constitutional Provision Requiring Laws Affecting the Second Amendment be Subject to Strict Scrutiny

By Emily Kelley

Introduction

For over a decade, federal courts have primarily applied intermediate scrutiny to determine whether laws affecting the Second Amendment were constitutional.[1] Surmising this standard was too lenient, the National Rifle Association (N.R.A.) campaigned states to challenge the constitutionality of such laws under the more stringent standard of strict scrutiny.[2] As a result, between 2012 and 2022, several states, including Alabama,[3] voted to amend their state constitutions to include a provision declaring the right to keep and bear arms as fundamental and requiring any law affecting that right be subject to strict scrutiny.[4]

The Historical Test

Bruen

In 2022, the Supreme Court issued a decision in *New York State Rifle & Pistol Association, Inc. vs. Bruen*, unequivocally rejecting the application of tiers of scrutiny as an appropriate method to determine the constitutionality of laws implicating the Second Amendment.[5] Instead, the Court endorsed a "historical" test which, unlike the traditionally applied tiers of scrutiny, does not consider or balance the interests of individuals or the government to determine constitutionality, but rather considers whether the challenged law is "consistent with the Nation's historical tradition of firearm regulation."[6]

The Second Circuit found a New York law unconstitutional which limited unrestricted licenses[7] to carry a handgun in public. Under the New York law, only individuals who could "prove proper cause existed"[8] were allowed to carry a handgun in public. Proper cause could be shown by "'demonstrat[ing] a special need for self-protection distinguishable from that of the general community,'"[9] such as by "evidence 'of particular threats, attacks [,] or other extraordinary danger to personal safety.'"[10, 11]

After granting certiorari, the Supreme Court not only reversed the Second Circuit, but rejected the use of tiers of scrutiny and instead created the "historical" test.[12] The historical test established a two-step process to determine the constitutionality of a law affecting Second Amendment rights. First, a court must determine whether "the Second Amendment's plain text covers an individual's conduct."[13] According to the Court, the Second Amendment's plain text generally covers the right of "ordinary, law-abiding individuals"[14] to arm themselves for self-defense and to "possess[] and use [] weapons that are 'in common use at the time.'"[15]

Second, if the conduct is covered by the Second Amendment's plain text, the court must then consider whether the law being challenged is "consistent with the Nation's historical tradition of firearm regulation," rather than balancing the interests of the government against individuals' right to bear arms, as lower courts had been considering under the tiers of scrutiny.[16] Laws that are consistent with the Nation's historical tradition of firearm regulation will likely be upheld as constitutional.[17]

The method to determine whether a law is consistent with the Nation's historical tradition of firearm regulation differs depending on whether the law being challenged addresses a general societal problem that has persisted since the 18th century or an unprecedented societal concern.[18] If the law being challenged addresses a general societal problem that has historically persisted, courts should consider whether a similar law existed, and if so, whether that law addressed the issue through materially different means and/or whether there had been a proposal analogous to the challenged law that was rejected on grounds of unconstitutionality.[19]

However, if the law being challenged addresses unprecedented societal concerns or "dramatic technological changes" that were not historically present, the court must determine the law's constitutionality by analogy.[20] Specifically, the court should consider "how and why the [law] burden[s] a law-abiding citizen's right to armed self-defense."[21] A comparable historical law that affects an individual's right of armed self-defense and which is comparably justified is evidence that current challenged law is constitutional.[22]

Applying this standard to *Bruen*, the Supreme Court held that under the historical test, the New York law was not constitutional.[23] The Court found that the Second Amendment not only protected the petitioners' rights as "ordinary, law-abiding citizens" to carry arms in public,[24] but that throughout the Nation's history, there was not a custom of "limiting public carry only to those law-abiding citizens who demonstrate a special need for self-defense."[25]

Interpreting the Court's analysis and application of the historical test in *Bruen* as providing broad protection to gun owners, supporters of the Second Amendment lauded the Court's decision. Challenges against laws regulating the right to bear arms exploded,[26] with many being successful.[27]

Rahimi

The broad interpretation of the historical test under *Bruen* was quelled two years later in the Supreme Court's decision in *United States v. Rahimi*, which upheld a law prohibiting individuals with a history of violence from possessing a firearm.[28] A history of violence was adjudicated to mean a history indicating the individual was likely to use a firearm to injure others or disturb the peace,[29] a ruling believed to result from a much more stringent application of the test.[30]

In *Rahimi,* the Supreme Court analyzed the constitutionality of a law utilizing the historical test.[31] In *Rahimi*, the defendant had used a firearm to discharge multiple rounds, some of which entered a residence.[32] When the defendant was arrested, he admitted that he was subject to a domestic violence restraining order.[33] Among other requirements, the restraining order "expressly prohibited [the defendant] from possessing a firearm."[34] Consequently, the defendant was indicted for possessing a firearm while subject to a restraining order, in violation of federal law.[35]

The method to determine whether a law is consistent with the Nation's historical tradition of firearm regulation differs depending on whether the law being challenged addresses a general societal problem that has persisted since the 18th century or an unprecedented societal concern.[18]

Using the historical test, the Fifth Circuit concluded that the defendant's possession of a firearm fell within the plain text of the Second Amendment.[36] However, the Court also held that the law was unconstitutional because it was not "consistent with the Nation's historical tradition of firearm regulation."[37] Specifically, the court found that laws enacted prior to the birth of our Nation and during the Colonial American era which prohibited individuals deemed "dangerous" from possessing firearms were not analogous to the challenged law since the historical laws had been enacted to "prevent the kind of politically motivated disarmaments" and "armed rebellions" that "'ha[d] long been understood to be the predecessor to our Second Amendment.'"[38] The Fifth Circuit also determined that "going armed" laws, which prohibited people from terrorizing others, were not analogous because such historical laws did not require the guilty party to forfeit their firearms.[39] Moreover, even those laws which required forfeiture did so only after the defendant was convicted.[40]

Upon granting certiorari, the Supreme Court overturned the Fifth Circuit and held that a law which prohibited individuals who posed a credible threat of physical violence to others from possessing firearms was constitutional because it was sufficiently analogous to historical laws which prohibited "people from misusing weapons to harm or menace others"'[41] The Court reasoned that although some iterations of historical laws prohibiting individuals from possessing firearms had been enforced to disarm political opponents, those instances were confined to England.

Further, the Court found that the "state constitution and the Second Amendment largely eliminated governmental authority to disarm political opponents on this side of the Atlantic."[42] In reaching this conclusion, the Court clarified its earlier decision in *Bruen* stating that the historical test required regulations to be "consistent with the principles that underpin our regulatory tradition."[43] This clarification contrasted with the Court's earlier interpretation of the historical test in Bruen that challenged laws be "consistent with this Nation's historical tradition of firearm regulation."[44]

A Circuit Split on Stringency of the Historical Test

Following *Rahimi*, a split occurred among the circuits as to whether the federal felon-in-possession law,[45] which prohibits individuals "who ha[ve] been convicted in any court of any crime … 'punishable by imprisonment for a term exceeding one year'" from possessing a firearm, is constitutional.[46] The crux of this split is how stringently the historical test should be applied.[47]

The Third Circuit held that the federal felon-in-possession law was unconstitutional as applied to an individual who had been convicted of the non-violent crime of making a false statement to obtain food stamps.[48] At least one other circuit has also left open the possibility that a law prohibiting non-violent felons from possessing a firearm would be unconstitutional under the historical test.[49]

Six other circuits, including the Eleventh Circuit, have reached the opposite conclusion and have rejected challenges to the federal law prohibiting felons, including non-violent felons, from possessing a firearm.[50] Of these six circuits, only two have concluded that an individual's status as a felon means that his conduct falls outside the scope of the Second Amendment.[51] Both circuits, the Fourth and Eleventh Circuits, relied on the Supreme Court's references to "responsible" and "law-abiding" individuals as those individuals who are allowed to exercise Second Amendment rights. The categories of "responsible" and "law-abiding" would categorically exclude felons (non-law-abiding individuals) from enjoying Second Amendment rights. Both the Fourth and Eleventh Circuits expressly held that the Supreme Court's decision in *Rahimi* did not contradict its own rationale because of the references to responsible and law-abiding citizens.[52]

Conversely, the Second and Ninth Circuits concluded that the Supreme Court's precedent that "all Americans" had the right to bear arms would explicitly include felons.[53] The Eighth and Tenth Circuits did not consider this issue.

In determining under the historical test whether an individual's rights under the Second Amendment can be abrogated based on that individual's status as a felon, violent or not, the majority of Circuits have cited many of the same laws the Third Circuit previously rejected on the basis that the challenged law was not analogous to historical laws. For example, the Second, Fourth, Eighth, and Ninth Circuits relied on historical laws which disarmed "categories of persons thought by a legislature to present a special danger of misuse".[54] Each of these circuits did acknowledge that many groups of people were historically disarmed based on prejudice, and thus the abrogation of Second Amendment rights would not withstand current legal analysis.[55] In fact, the Second Circuit conceded that it had no knowledge why felon-in-possession laws had initially been enacted, but the court did recognize it was not for the "offensive" reasons some historical laws had been enacted.[56] Yet, despite acknowledging that historically broad and status-based bans on gun possession are now an unconstitutional form of discrimination, the Second, Fourth, Eighth, and Ninth Circuits specifically cited the multiple religious- and race-based bans of the past as evidence that another status ban on felons is supported by this Nation's history and tradition.[57]

Indeed, the only historical analogues any of the circuits relied upon in support of their conclusions that felon-in-possession laws are constitutional as applied to non-violent offenders was a Colonial-era law enacted in 1652 that prohibited hunting "on pain of forfeiting the gun", as well as certain proposals that were never adopted, such as an essay entitled the "Dissent of the Minority," published by Anti-Federalist delegates in Pennsylvania suggesting individuals who had committed crimes should lose their rights to bear arms.[58]

Analysis

Despite the resulting confusion from the Supreme Court's decisions in *Bruen* and *Rahimi*, the ultimate outcomes of each of these two cases were strikingly consistent. Both cases found that regulations restricting an individual's right to carry a firearm are unconstitutional when said regulations restrict the rights of individuals with no records or histories which would indicate a propensity for use of a firearm for an unlawful purpose.[59]

The basis of the uncertainty in this area is the Supreme Court's decision that all felons may be prohibited from possessing firearms and its repetitive references to "ordinary, law-abiding citizens."

However, regulations restricting an individual's right to carry a firearm when that individual does have such a record are constitutional.[60] Properly analyzed under the historical test, it is viable to conclude that a law prohibiting non-violent felons from possessing firearms is unconstitutional.

Indeed, this is the exact conclusion reached by the Third Circuit. Rather than relying on dicta, the Third Circuit applied the principles articulated by the Supreme Court in both *Bruen* and *Rahimi* and found that regulations restricting Second Amendment rights when there is no evidence to indicate a firearm might be used for unlawful purpose are unconstitutional. However, regulations restricting those rights are constitutional when that individual's history or record indicates a likelihood for misuse of a firearm.

The basis of the uncertainty in this area is the Supreme Court's decision that all felons may be prohibited from possessing firearms and its repetitive references to "ordinary, law-abiding citizens." But, as many courts have recognized, including at least two circuit courts, both this decision and its reference to law-abiding citizens are merely dicta which appear to contradict the relevant and precedential portions of the Supreme Court's opinion. For example, in both *Bruen* and *Rahimi*, the Supreme Court emphasized that laws affecting the Second Amendment should be upheld where **analogous** historical laws exist, specifically in the "why" and "how" the historical laws were enacted. However, the Second Circuit candidly admitted that the historical analogues it relied upon in support of its conclusion had in fact been enacted for not only different, but offensive reasons, which were not the same reasons the felon-in-possession law had been enacted.

Furthermore, despite the Supreme Court having specifically stated that proposals which had not been adopted should not be considered as evidence, the Circuits in the majority cite an essay published in the Anti-Federalist papers entitled "*Dissent of the Minority*" that argued individuals who commit crimes should be prohibited from carrying firearms. This essay and its arguments were never adopted into the Constitution. Similarly, although the Supreme Court cautioned that not all history is created equal, and that laws at the time the Constitution was created should be given the most weight, the most analogous law cited by the Circuit majority was enacted nearly 100 years before the Constitution was drafted and appears to have waned in relevancy by the time the colonies transitioned into statehood.

Given the above inconsistencies, if faced with a law restricting all felons from possessing firearms, including felons convicted of non-violent crimes/offenses, the Supreme Court would likely find it difficult to uphold such a law as constitutional. In fact, prohibiting individuals with a history of violent actions, regardless of whether that history includes a felony, and in turn permitting individuals with a non-violent felony record to possess a firearm, is the definition of a narrowly tailored regulation. Such a regulation would have the effect of achieving each relevant and compelling government interest recognized by the Supreme Court. Recognized interests include protecting the Nation from domestic threats,[61] reducing crime,[62] and ensuring the rights and safety of citizens.[63] Thus, the historical test is likely still broad enough that a law analyzed under the historical test and determined to be constitutional would not then be found to be unconstitutional under the strict scrutiny standard adopted by many states.

The Court's more "stringent" analysis in *Rahimi* led to doubts about whether the historical test provided more protection to Second Amendment rights than the strict scrutiny standard so many states adopted in their constitutions.[64] Because states cannot further restrict the outer parameters of rights protected under the U.S. Constitution,[65] the strict scrutiny clause adopted by Alabama is relevant only if a law impacting Second Amendment rights would be upheld as Constitutional under the historical test at the federal level but struck down as unconstitutional under the strict scrutiny standard at the state level.

Given the Supreme Court's application of the historical test, the only situation in which a current law might be upheld under the federal historical test, but struck down under the state strict scrutiny standard, is where a law prohibits felons, including non-violent felons, from possessing firearms. Specifically at issue are laws which could negatively impact an individual's Second Amendment rights even if that individual has no history or record which would indicate a propensity for misusing a firearm for an unlawful purpose.

Assuming that the Supreme Court would uphold a restrictive law that is applied to non-violent felons, then Alabama's constitutional provision requiring laws affecting Second Amendment rights be subject to strict scrutiny would still be relevant as the Alabama law would provide additional protection to gun owners. Indeed, Alabama courts could find a law prohibiting felons from possessing firearms to be unconstitutional under its strict scrutiny standard, specifically if that law applied to individuals convicted of non-violent crimes. Alabama courts would likely find the law too broad, since arguably, a person who has been convicted of fraud or embezzlement is no more likely to misuse a firearm than someone not been convicted of such non-violent crimes.

> As federal courts struggle to adjudicate the proper level of stringency under the historical test, Alabama's constitution ensures baseline protection of Second Amendment rights, regardless of the changing status and standard under federal law.

Conclusion

Prior to *Rahimi*, the success of challenges to regulations affecting the Second Amendment, as well as the Supreme Court's expansive interpretation of the historical test, suggested that the historical test was far more permissive than any previously applied tiers of scrutiny test.

After *Rahimi*, the historical test has been applied as broadly protective of the Second Amendment by the majority of Circuit courts. However, despite the majority of Circuits concluding that laws prohibiting non-violent felons from possessing firearms are constitutional, under the historical test applied by the Supreme Court in both *Bruen* and *Rahimi* the Supreme Court found just the opposite.

Thus, Alabama's constitutional provision requiring laws affecting an individual's right to bear arms be strictly scrutinized is relevant as it provides an additional layer of protection to Second Amendment rights. As federal courts struggle to adjudicate the proper level of stringency under the historical test, Alabama's constitution ensures baseline protection of Second Amendment rights, regardless of the changing status and standard under federal law. This was the intended result when Alabama amended its Constitution requiring strict scrutiny for laws impacting Second Amendment rights. ▲

ENDNOTES

1. Eric Ruben, *Are State Constitutional Clauses that Strengthen Gun Rights Relevant After Bruen?*, State Court Report (Feb. 3, 2025), https://statecourtreport.org/our-work/analysis-opinion/are-state-constitutional-clauses-strengthen-gun-rights-relevant-after.
2. *Id.*
3. Section 26 of the Constitution of Alabama of 2022.
4. Ruben, *supra* note i; Todd E. Pettys, *The N.R.A.'s Strict-Scrutiny Amendments*, 104 Iowa Law. Rev. 1455, 1456-57 (2019).
5. *New York State Rifle & Pistol Association, Inc. vs. Bruen*, 597 U.S. 1, 23 (2022).
6. *Id.* at 24.
7. Individuals who could not meet this standard could still receive a "restricted" license, but such licenses only permitted them "to carry a firearm for a limited purpose, such as hunting, shooting, or employment." *Bruen*, 597 U.S. at 12.
8. *Id.* at 12; 15.
9. *Id.*
10. *Id.* at 13 (citing *In re Martinek*, 743 N.Y.S.2d 80, 81 (2002)).
11. *New York State Rifle & Pistol Ass'n., Inc. v. Beach*, 818 Fed.Appx. 99, 100 (2nd Cir. 2020).
12. *Bruen*, 597 U.S. at 17.
13. *Id*.
14. *Id.* at 31.
15. *Id.* at 21 (citing *Heller*, 554 U.S. at 626-27).
16. *Id.* at 24.
17. *Id*. at 56.
18. *Id.* at 26-29.
19. *Id.* at 26-27.
20. *Id*. at 29.
21. *Id.*
22. *Id.*
23. *Id*. at 71.
24. *Id.* at 31-32.
25. *Id.* at 38-39.
26. Daniel S. Harawa, *Between a Rock and a Gun*, 134 Yale L.J. 100, 102 (Nov. 12, 2024) (citing Jacob D. Charles, *The Dead Hand of a Silent Past: Bruen, Gun Rights, and the Shackles of History,* 73 Duke L.J. 67, 124-27 (2023)).
27. *Id.* (citing Eric Ruben, Rosanna Smart & Ali Rowhani-Rahbar, *One Year Post-*Bruen*: An Empirical Assessment*, 110 Va. L. Rev. Online 20, 33 (2024). "To be certain, criminal defendants making these arguments did not always, or even usually, win. In a one-year postmortem after *Bruen*, one study found that Second Amendment challenges were successful in just five percent of criminal cases, whereas civil litigants were successful in sixty-seven percent of federal appellate cases. The point here is not that *Bruen* charted a guaranteed path to success for criminal defendants. Rather, *Bruen* gave them the *ability* to make arguments previously unheard of in criminal cases. As a result, criminal defendants achieved some Second Amendment successes that were impossible before *Bruen* in both state and federal court." *Id.* at 108.
28. 602 U.S. 680 (2024).
29. *Id.* at 693.
30. *See e.g.*, Harawa, *supra* note 26 at 109, 113-14.
31. 602 U.S. 680.
32. *Id.* at 686-88; *United States v. Rahimi*, 61 F.4th 443, 448 (5th Cir. 2023).
33. *Rahimi*, 61 F.4th at 449.
34. *Id.*
35. *Id.*
36. *Id.* at 454.
37. *Id.* at 461.
38. *Id*. at 456-57.
39. *Id*. at 458.
40. *Id.*
41. *Rahimi*, 602 U.S. at 693.
42. *Rahimi*, 602 U.S. at 694.
43. *Id.* at 692.
44. *Bruen*, 597 U.S. at 17.
45. Despite its name, the felon in possession law applies to people who have been convicted of misdemeanors with a maximum possible sentence of more than a year. *See United States v. Cockerham*, 162 F.4th 500, 503 (5th Cir. 2025) (citing 18 U.S.C. §922(g)(1)).
46. *Id.* (quoting 18 U.S.C. §922(g)(1)).
47. *Infra* Section IV.
48. *Range v. Attorney General of the United States,* 124 F.4th 218. 232 (3d Cir. 2024).
49. *United States v. Williams*, 113 F.4th 637 (6th Cir. 2024) (holding that a person that commits a violent crime, including aggravated robbery, can be prohibited from possessing firearms, but leaving open the possibility that it may be unconstitutional to prohibit someone convicted of a non-violent crime, such as fraud, from possessing a firearm). *See also Cockerham*, 162 F.4th 500 (holding that there is no historical analogue for disarming a person who was convicted as being delinquent on child support debt, but for who had paid off the debt by the time he was found in possession of a firearm); *United States v. Gay*, 98 F.4th 843 (7th Cir. 2024) (assuming for the sake of argument that the felon-in-possession statute may be unconstitutional as applied to at least some individuals, but finding that the issue was irrelevant to the case at hand since the defendant had agreed to not possess firearms as a term of his parole agreement).
50. *Zherka*, 140 F.4th 68; *United States v. Hunt*, 123 F.4th 697 (4th Cir. 2024); *Jackson*, 110 F.4th 1120; *United States v. Duarte*, 137 F.4th 743 (9th Cir. 2025); *Vincent v. Bondi*, 127 F.4th 1263 (10th Cir. 2025); *United States v. Dubois*, 139 F.4th 887 (11th Cir. 2025).
51. *Hunt*, 123 F.4th at 705; *Dubois*, 139 F.4th at 893 ("[F]elons are categorically "disqualified" from exercising their Second Amendment right.")
52. *Hunt*, 123 F.4th at 703, 705; *Dubois*, 139 F.4th at 893. *But see Rahimi,* 602 U.S. at 702 ("[W]e reject the Government's contention that [the Defendant] may be disarmed simply because he is not 'responsible.'")
53. *Duarte*, 137 F.4th at 752 (citing *Heller*, 554 U.S. at 580); *Zherka*, 140 F.4th at 76-77 (citing *Heller*, 554 U.S. at 580) *See also Zherka*, 140 F.4th at 76-77 ("Though the Supreme Court has suggested that law-abiding, responsible, and/or ordinary individuals are protected by the Second Amendment, it is far from clear whether the negative of those adjectives describe[s] individuals who stand *outside* the Second Amendment or instead those who may be disarmed *consistent with* that Amendment.")
54. *Duarte,* 137 F.4th at 759; *Zherka*, 140 F.4th at 85; *Jackson*, 110 F.4th at 1126; *Hunt*, 1123 F.4 at 707.
55. *Duarte,* 137 F.4th at 760; *Zherka*, 140 F.4th at 85-89; *Jackson*, 110 F.4th at 1127; *Hunt*, 123 F.4th at 708.
56. *Zherka*, 140 F.4th at 89-90.
57. *Id.* at 85-91; *Hunt*, 123 F.4th at 707; *Jackson*, 110 F.4th at 1126.
58. *Hunt*, 123 F.4th at 706; *Jackson*, 110 F.4th at 1127. *See also Duarte*, 137 F.4th at 758.
59. *Bruen*, 597 U.S. at 38-39.
60. 602 U.S. 680.
61. *See, e.g., U.S. v. U.S. Dist. Court. For Eastern Dist. Of Mich., Southern Division*, 407 U.S. 297, 312-315 (1972).
62. *See e.g.*, *Schall v. Martin*, 467 U.S. 253, 264 (1984).
63. *See e.g.*, *Schenck v. Pro-Choice Network of Western New York*, 519 U.S. 357, 375-376 (1997); *Rahimi*, 602 U.S. at 706 (J. Sotomayor Concurring).
64. *Id.*
65. U.S. Const. art. VI cl. 2.

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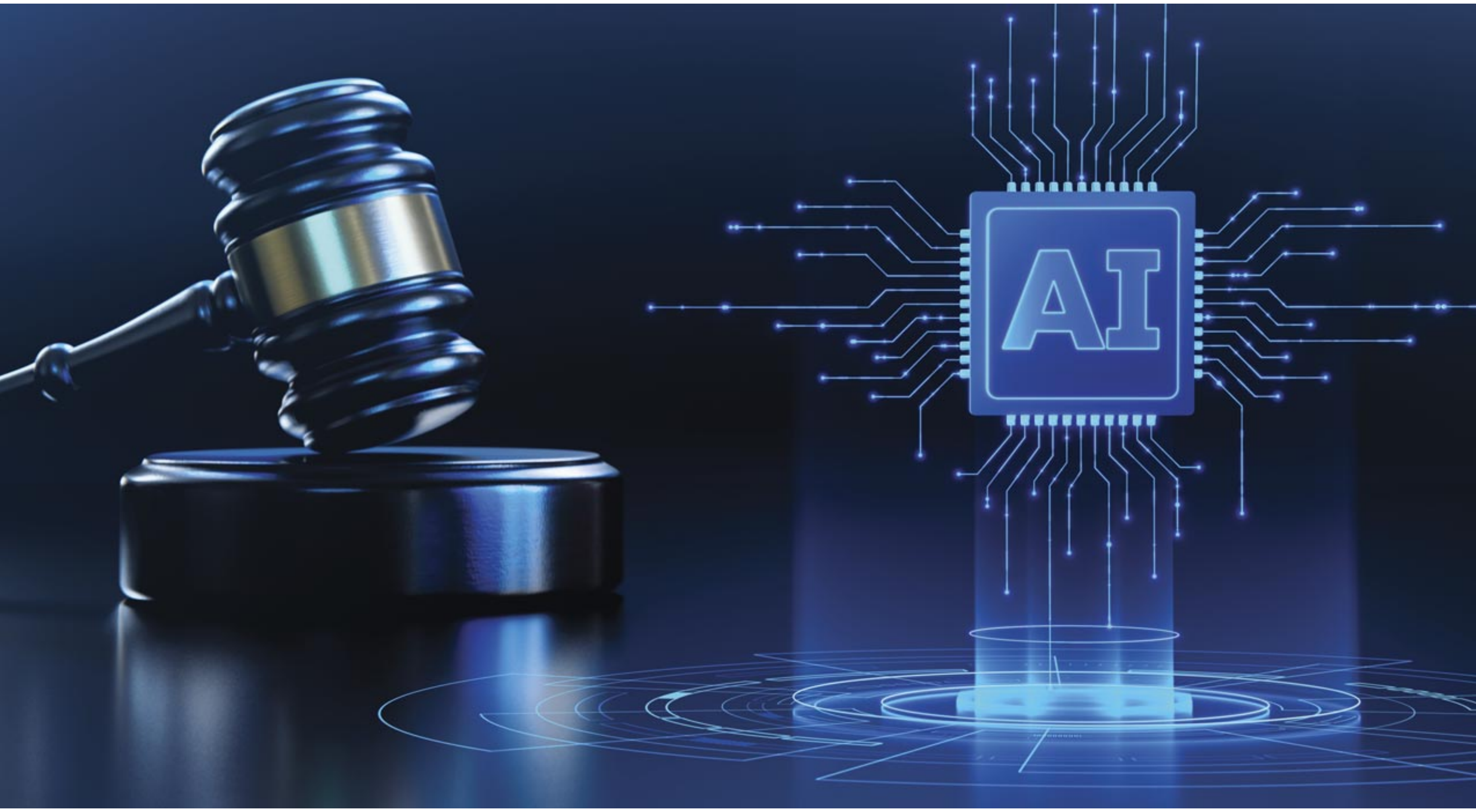
By Roman A. Shaul



FORMAL OPINION

Artificial Intelligence Use

Best Practices Under Existing Professional Conduct Rules

Why This Guidance Matters: A Cautionary Example

In Mata v. Avianca, Inc., 678 F. Supp. 3d 443 (S.D.N.Y. 2023), a lawyer submitted a brief citing more than a dozen cases generated by ChatGPT. The cases did not exist. The court imposed sanctions, finding that the lawyer had failed to verify AI-generated citations before filing. Incidents like this have occurred in courts across the country. This guidance exists to help Alabama lawyers harness the efficiency of AI while avoiding these very real professional consequences. See also Ibach v. Stewart, No. SC-2024-0678, 2026 Ala. LEXIS 45 (Ala. Apr. 24, 2026); Johnson v. Dunn, 792 F.Supp.3d 1241 (N.D. Ala. 2025).

I. Introduction

The Alabama State Bar has always encouraged lawyers to learn the pros and cons associated with various technological innovations in the practice of law, including artificial intelligence. The use of artificial intelligence has tremendous potential to expand and improve the legal system in ways that are only now beginning to be understood. The implementation of artificial intelligence into the customs of law practice will be disruptive, but productively transformative. As more law schools adopt curricula that add, and require, artificial intelligence classes, this technology will become less of a trend and evolve into an actual standard of basic competence. The ABA Model Rules of Professional Conduct (as well as Alabama's Rules of Professional Conduct) require lawyers to provide "competent" representation. The comments to the Model Rules specifically include the knowledge and use of technology as a basic tenet of competence.

Artificial intelligence, and in particular generative artificial intelligence and agentic artificial intelligence, has moved from novelty to daily utility in the practice of law. Lawyers now routinely encounter tools capable of drafting pleadings, summarizing depositions, generating legal research memoranda, predicting litigation outcomes, and responding to client inquiries. These tools promise efficiency, cost reduction, and expanded access to legal services. At the same time, they pose substantial ethical risks if misunderstood or misused.

Contrary to popular perception, artificial intelligence does not create new ethical duties for lawyers. Rather, it recontextualizes longstanding professional obligations (competence, confidentiality, supervision, candor, reasonableness of fees, and client communication) within a new technological environment. As the American Bar Association has emphasized, lawyers remain fully responsible for the work on behalf of the client, regardless of whether AI tools were used in its creation. ABA Formal Ethics Op. 512 (2024).

This guidance applies equally to solo practitioners, small firms, and large firms, although the resources and risk profiles of each may differ. Regardless of firm size, the obligations described herein apply to every Alabama lawyer who uses AI tools in connection with client matters.

Glossary of Key Terms

The following terms are used throughout this document. Lawyers unfamiliar with AI technology should review these definitions before proceeding.

TERM	DEFINITION
Artificial Intelligence (AI)	A broad term for computer systems that perform tasks typically requiring human intelligence, such as understanding language, identifying patterns, and making decisions.
Generative AI (GAI)	AI systems that produce new content (text, images, code) based on probabilistic modeling of large datasets. Examples: ChatGPT (OpenAI), Gemini (Google), Claude (Anthropic).
Agentic AI (AAI)	AI systems that autonomously plan and execute multi-step tasks with minimal human oversight, interacting with software tools and adapting in real time.
Hallucination	When an AI system generates false information (fabricated case citations, invented facts, or nonexistent statutes) presented with confident, convincing fluency.
Prompt	The instruction or question a user types into an AI system. The quality of the prompt heavily influences the quality and accuracy of the AI's output.
Training Data	The large datasets on which an AI model is trained. The model learns patterns from this data, which shapes what it can and cannot do accurately.
Closed / Enterprise System	A paid, contractually governed version of an AI tool (e.g., ChatGPT Enterprise, Claude for Business) that typically prohibits the provider from using your inputs to train its models, unlike free consumer versions.
Prompt Engineering	The practice of crafting AI prompts carefully to improve output quality and reduce errors such as hallucinations.
Discoverable	Information that may be required to be produced in litigation. AI prompts, drafts, and interaction logs may be discoverable in some circumstances.

II. What Lawyers Mean by "Artificial Intelligence" ("AI")

A. Generative Artificial Intelligence ("GAI")

ABA Formal Ethics Op. 512 defines GAI as technology capable of producing new content (text, images, audio, video, or code) based on probabilistic modeling of large datasets rather than verified legal databases. Popular tools built on GAI include ChatGPT (OpenAI), Gemini (Google), Grok AI (xAI), and Claude (Anthropic).

Unlike traditional legal research tools, GAI systems do not exclusively "retrieve" authority; they predict plausible outputs based on statistical patterns. This distinction is critical. As multiple and embarrassing incidents around the country have illustrated, GAI may fabricate facts, citations, and authorities (so-called "hallucinations") with convincing fluency.

B. Agentic Artificial Intelligence ("AAI")

AAI refers to autonomous systems that use reasoning and planning to independently execute multi-step tasks, rather than merely generating content like GAI. These agents work with minimal human oversight, interacting with software tools, analyzing data, and adapting to new situations in real time. See generally Beth Stackpole, Agentic AI, Explained, MIT Sloan School of Management (Feb. 18, 2026).

To illustrate the practical difference: a GAI tool drafts a discovery response when prompted by a lawyer. An AAI agent, by contrast, might autonomously draft the response when it detects that a new file is opened, email it to the client for review, calendar the filing deadline, and update the case management system, all without further attorney input. This autonomous capability is precisely what makes AAI both powerful and ethically hazardous.

GAI vs. AAI at a Glance

Generative AI (GAI)	Agentic AI (AAI)
Responds to a prompt from the user	Independently plans and executes tasks
Produces content (text, images, code)	Takes actions (emails, filings, calendar entries)
Requires human follow-up to act on output	Operates with minimal or no human oversight
Examples: ChatGPT, Gemini, Claude	Examples: AI legal agents, autonomous workflow bots
Risk: hallucination in output	Risk: unsupervised errors with real-world consequences

III. Competence and Technological Understanding (ARPC 1.1)

A. The Standard of Competence Does Not Require Technical Expertise

Under Rule 1.1, a lawyer must provide competent representation, including the "legal knowledge, skill, thoroughness and preparation reasonably necessary" for the representation. Alabama, like most jurisdictions, has adopted the technology-competence principle through commentary rather than new rules.

ABA Formal Ethics Op. 512 clarifies that lawyers need not become AI engineers, but must have a reasonable understanding of:

- what an AI tool does,
- what it does not do,
- its known limitations and risks, and
- how its outputs may fail.

Vendor selection is also a competence issue. Selecting an AI tool without evaluating its accuracy or data-retention policies may itself constitute a failure of competence. A lawyer who deploys an AI tool without basic due diligence on how that tool works and what it can get wrong has not satisfied Rule 1.1.

B. Ongoing Duty to Stay Informed

Technological competence is not static. Because AI technology evolves rapidly, lawyers must periodically reassess the tools they use, including updates to training data, data-retention practices, and output reliability.

Best Practices:

- Treat AI tools as you would evolving e-discovery software or cloud platforms, requiring ongoing evaluation, not a one-time review.
- Incorporate AI literacy into your annual CLE planning.
- Document your AI use in client matters. Records should include which tool was used, the date, what the tool was asked to do, what output was generated, and what verification steps the supervising lawyer took.
- Before deploying any new AI tool, review its published accuracy rates, data-retention policies, and any known limitations or error patterns.

IV. Verification, Judgment, and the Prohibition on Blind Reliance (ARPC 1.1, 3.1, 3.3)

Perhaps the clearest ethical consensus nationwide is this: AI output must never be accepted at face value.

ABA Formal Ethics Op. 512 states unequivocally that submitting AI-generated work without independent verification can violate, at a minimum, Rules 1.1 and 3.3. This duty is especially acute when:

- filing pleadings or briefs,
- citing legal authority, and
- making representations to courts or third parties.

An AI draft should be treated no differently than a first draft from a first-year associate; it requires substantive review, not just proofreading. The lawyer reviewing AI-generated work must bring independent legal judgment to that review, not simply confirm that the output "looks right."

A Note on Prompt Engineering

The quality of AI output depends heavily on how a lawyer constructs the prompt. Vague or poorly crafted prompts increase the risk of hallucinations and off-point output. Lawyers should learn the basics of effective prompting: providing sufficient context, specifying the jurisdiction and applicable rules, and asking the AI to identify its sources. Better prompts produce better and safer results.

Best Practices:

- Independently verify every legal citation generated by AI against Westlaw, Lexis, or a comparable authoritative legal database before filing.
- Run AI-generated factual summaries against the underlying source documents.
- Have a second lawyer or senior paralegal review AI-assisted briefs and pleadings before submission.
- Treat AI drafts as starting points, not finished work product.
- Never delegate legal judgment, negotiation, or strategic decision-making to AI.
- Invest time in learning effective prompt construction to improve AI output quality and reduce error risk.

V. Confidentiality and Client Data (ARPC 1.6)

A. Input Is Disclosure

Most GAI platforms collect, retain, or reuse user inputs unless expressly prohibited by contract. Multiple bar opinions and legal authorities across the country have warned that entering client information into AI systems may create privilege risks that courts have not yet uniformly resolved and may constitute disclosure to third parties under some platforms' terms of service.

Free vs. Enterprise Versions. Enterprise versions of AI tools, such as ChatGPT Enterprise or Claude for Business, typically include contractual prohibitions on using your inputs to train the provider's models. Free consumer versions of these same tools generally do not include such protections. Lawyers should use enterprise or closed systems whenever possible and should understand that the free version of a tool is not the same as the paid enterprise version.

Discoverability. AI prompts, drafts, and interaction logs may be discoverable in litigation in some circumstances, for example, if a party's use of AI to generate a document is placed at issue, or if interaction logs are stored on a system subject to a litigation hold. Lawyers should establish document-retention policies that address AI interactions.

B. Reasonable Safeguards and Informed Consent

Under Rule 1.6, Alabama lawyers must:

- understand the AI provider's data-handling practices,
- avoid entering identifiable client information unless adequate safeguards exist,
- obtain informed client consent when confidentiality risks cannot be eliminated, and
- understand that AI prompts, drafts, or generated work product may become discoverable in some circumstances.

Best Practices:

- Use anonymization or substitute identifiers whenever possible when working with AI tools on client matters.
- Prefer closed, non-training enterprise systems over free consumer AI tools.
- Review and understand the data-handling and retention terms of any AI tool before using it with client information.
- Document client consent when disclosure risks remain.
- Establish firm-wide document-retention policies that address AI interaction logs and AI-generated drafts.
- AI-generated summaries should not replace preservation of original source documents.

VI. Client Communication and Disclosure of AI Use (ARPC 1.4)

As AI use becomes more prevalent in law practice, clients increasingly expect and deserve transparency about how their matters are being handled. While no Alabama rule currently mandates disclosure of AI use in all circumstances, proactive communication is both ethically prudent and consistent with the lawyer's duty of candor to clients.

Lawyers should consider whether to inform clients when AI tools are being used in a meaningful way on their matters, particularly when:

- AI is used to draft documents that will be submitted to courts or opposing parties on the client's behalf;
- client-specific information is being entered into an AI system; or
- AI is used in a way that may affect the fee charged.

Best Practices:

- Consider including a brief AI use disclosure in your engagement letter, explaining how and when AI tools may be used in the representation.
- Obtain client agreement on AI billing procedures up-front to establish a transparent and equitable baseline.
- Respond honestly if a client asks whether AI was used in preparing their documents.
- Do not mislead clients into believing AI-generated work was entirely human-authored if they ask.

VII. Supervision and Firm-Wide Responsibility (ARPC 5.1 & 5.3)

AI is best understood ethically as a non-lawyer assistant. Much the way a lawyer supervises paralegals and law clerks, lawyers with managerial authority must ensure that AI use by other lawyers and staff complies with professional obligations. A lawyer may be held accountable for errors in AI-generated work product, just as a lawyer is accountable for the errors of supervised staff.

Delegation Risk. A particular concern arises when a lawyer delegates AI use entirely to a non-lawyer staff member without reviewing the output. In this scenario, the staff member may lack the legal training to identify hallucinations, misstatements of law, or ethical problems in the AI's output. The supervising lawyer remains fully responsible for the final work product regardless of who operated the AI tool.

Best Practices:

- Create written AI-use policies that specify which tools are approved, what tasks they may be used for, and what verification steps are required.
- Incorporate AI training into your hiring and onboarding process, including training on verification of AI output and confidentiality obligations.
- Establish review protocols for AI-assisted work: never allow non-lawyer staff to submit AI-generated work product without attorney review.
- Consider designating an AI Compliance Coordinator or point person responsible for vetting tools, maintaining AI use logs, and fielding staff questions about appropriate use.
- Centralize approval of AI tools used firm-wide.
- Treat AI governance with the same level of care as other compliance obligations, such as trust account management.

VIII. Fees, Billing, and Reasonableness (ARPC 1.5)

As AI technology creates efficiencies, it will inevitably affect rates and billing structures. Efficiency does not justify inflated billing. Multiple bar opinions caution that lawyers may bill only for time actually spent, and not for the amount of time that would have been spent on a task but for the use of AI.

The supervision and review time is billable. If AI drafts a brief in ten minutes that would have taken four hours, the lawyer cannot bill four hours as if the AI did not exist. However, the lawyer can bill for the time spent reviewing, correcting, and exercising legal judgment over the AI's output, because that review time reflects genuine professional work. This is analogous to the time spent reviewing a junior associate's draft.

AI subscription costs are overhead. AI tool subscription costs should generally be treated as overhead, not billed directly to clients, unless the client has specifically agreed otherwise, similar to how Westlaw or Lexis subscriptions have historically been treated by most firms.

Best Practices:

- Disclose AI use to clients when it affects the fees charged.
- Avoid double-billing or padding time saved through automation.
- Bill only for time actually spent on the matter, including genuine review and judgment time.
- Treat AI subscription costs as overhead unless otherwise agreed upon with the client in writing.
- Obtain client agreement on AI billing procedures up-front to establish a fair and transparent baseline.

IX. Candor to Courts and Disclosure Obligations (ARPC 3.3)

Some courts now require disclosure or certification regarding AI use. Even where disclosure is not mandated, lawyers remain responsible for ensuring that AI-assisted filings are accurate and truthful.

Court-Specific Requirements Are Proliferating. Numerous federal district courts and state courts have issued standing orders governing AI use in filings, ranging from mandatory disclosure to certification that AI-generated content has been independently verified. Lawyers should check local rules and standing orders before every filing in every court where they practice. This is not a one-time task; court rules on AI are evolving rapidly.

Best Practices:

- Before filing in any court, check that court's local rules and any standing orders for AI disclosure or certification requirements.
- Never allow AI to generate factual or legal assertions that are submitted to a court without independent attorney verification.
- When a court order requires certification of AI use, ensure that certification is accurate and complete.
- Treat the duty of candor to tribunals as the floor, not the ceiling, for AI-related disclosure.

X. Unauthorized Practice of Law (ARPC 5.5, 5.3, 8.4)

Because Alabama lawyers increasingly interact with AI-generated legal products, it is important to address when AI use could cross into or facilitate the unauthorized practice of law ("UPL").

Example. A law firm deploys a chatbot on its website that answers prospective clients' legal questions in real time. If the chatbot provides specific legal advice without flagging that it is not an attorney and without attorney review of its responses, this may constitute UPL, and the lawyer who deployed it may be responsible under Rules 5.5, 5.3, and 8.4.

Key concerns include:

- Lawyers cannot allow AI tools to independently provide legal advice directly to clients without attorney supervision.
- Law firms should avoid marketing AI tools in a manner suggesting that the software itself is "the lawyer."
- Lawyers are responsible for all legal advice and information generated through AI-assisted systems.
- Outsourcing legal judgment to AI implicates Rule 5.5 (unauthorized practice), Rule 5.3 (supervision of nonlawyer assistants), and Rule 8.4 (misconduct), including if the lawyer knew or should have known the AI was providing unsupervised legal advice.

XI. Specific Agentic AI Concerns (ARPC 1.1, 5.1, 5.3)

The benefits and risks of AAI lie in its capacity to perform multifaceted, autonomous tasks with little or no human oversight. Unlike static processes, AAI systems evolve as they learn, mostly without human interaction or supervision. This autonomy enhances utility and value but may disproportionately increase the risk of harm to clients and noncompliance with professional conduct rules. Rule 1.1 requires that lawyers understand the benefits and risks associated with AAI before deploying it in practice.

Some experts have argued that embedding "core values" or governing commandments into AAI systems when created can produce more reliable results. One author has proposed the following framework for legal agentic AI:

Proposed Commandments for Legal Agentic AI

(Steven M. Cordero, 10 Commandments for Agentic AI Tools in the Legal Industry, Akerman.com (Dec. 5, 2025))

#	Commandment
I	Legal agentic AI shall only accept prompts from the attorney.
II	Legal agentic AI shall adhere to the ABA Model Rules of Professional Conduct or state-law equivalents wherever the attorney is admitted to practice law.
III	Legal agentic AI shall not engage in dishonesty or deception, nor perform tasks that will aid in dishonesty or deception.
IV	Legal agentic AI shall not impersonate a human being.
V	Legal agentic AI shall not access nonpublic information unless expressly directed to do so by the attorney.
VI	If legal agentic AI is provided nonpublic information, it shall only allow access to that information to the attorney.
VII	Legal agentic AI shall not hallucinate, rely on, or create fictitious sources.
VIII	Legal agentic AI shall disclose to the attorney all sources of information relied on in performing its tasks.
IX	Legal agentic AI shall not rely on sources created by other AI unless expressly directed to do so by the attorney.
X	Legal agentic AI shall perform all tasks as instructed by the attorney, act proactively, offer insights, and suggest actions when appropriate, so long as such performance does not conflict with the first through ninth commandments.

As the author of these commandments acknowledges, AI is not so reliable that embedding core values alone will ensure compliance or prevent harm. Attorney oversight will always be critical, regardless of attempts to program AI with governing principles.

Best Practices:

- Do not deploy AAI tools on client matters without a documented human review checkpoint before any action is taken by the AI.
- Define in writing what tasks AAI is and is not authorized to perform autonomously.
- Audit AAI activity logs regularly to identify errors, unauthorized actions, or outputs that require correction.
- Treat AAI governance as you would any other high-risk workflow requiring documented protocols and supervisory sign-off.
- Consult with AI vendors about what safeguards and audit trails are built into their agentic AI products before deploying them.

XII. AI Use Quick-Reference Checklist for Alabama Lawyers

The following checklist is designed for day-to-day use before and during AI-assisted legal work.

Before Using AI in a Client Matter, Have You:

☐ Confirmed that the AI tool you are using is an approved, enterprise-grade system with data protection, not a free consumer version.

☐ Reviewed and understood this tool's data-retention and training policies.

☐ Anonymized or removed identifiable client information from your prompts or obtained client consent for its inclusion.

☐ Crafted your prompts carefully to include relevant context, jurisdiction, and applicable rules.

☐ Reviewed all AI-generated content yourself and applied independent legal judgment; you have not simply accepted the output.

☐ Independently verified every case citation, statute, and factual assertion in AI-generated content against authoritative sources.

☐ Checked this court's local rules and standing orders for any AI disclosure or certification requirements (if filing).

☐ Documented your AI use for this matter, including the tool used, the task performed, and the verification steps taken.

☐ Confirmed that no legal judgment, strategic decision-making, or client advice was delegated to the AI.

☐ Reviewed any AI-generated client communications before they were sent.

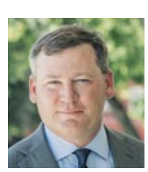
☐ Ensured that non-lawyer staff who used AI on this matter did so under adequate attorney supervision.

XIII. Conclusion

Artificial intelligence does not lower ethical standards; it raises the stakes for compliance. For Alabama lawyers, the safest course is not avoidance but informed, disciplined, and transparent use of AI tools. All available ethical and legal authority on these issues makes one principle unmistakable: technology may assist the lawyer, but it never replaces the lawyer.

Used properly, AI can enhance competence, efficiency, and access to justice. Used carelessly, it invites sanctions, disciplinary exposure, and client harm. The ethical path forward lies not in novelty, but in fidelity to foundational professional duties, applied rigorously in a new technological age.

Should you have any questions about your ethical obligations concerning the use of artificial intelligence, please contact the Alabama State Bar. You can reach us by telephone at 334-269-1515 or by emailing ethics@alabar.org.▲



Roman A. Shaul

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By Zachary A. Kervin

2026 Legislative Recap

The 2026 Regular Session of the Alabama Legislature was noteworthy again. During this session, there were 857 general bills, 128 local bills, and 61 proposed constitutional amendments introduced, for a total of 1,046 bills. At the end of the session, there were 400 total bills that were enacted, including 264 general bills, 102 local bills, and 34 proposed constitutional amendments. Of the 264 general bills that became law and 34 proposed constitutional amendments, 224 passed without a dissenting vote, 53 more passed with fewer than seven dissenting votes, and 21 bills were enacted with seven or more dissenting votes.

Given the volume of acts adopted, this article will only summarize select acts that are most likely to be encountered by practitioners in the state. Summaries of every general act and proposed constitutional amendment may 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.

Administrative Procedure - Judicial Review of Agency Action (Act 2026-319, SB 167)

Senator Arthur Orr

This act amends Section 41-22-20, Code of Alabama 1975, to: (1) remove the presumption that state agency orders are just and reasonable when reviewed by courts; (2) remove the prohibition against a court substituting its judgment for an agency when determining questions of fact; (3) authorize courts to consider, but not defer to, an agency's interpretation of a statute or rule when reviewing agency action; and (4) require courts to interpret statutes and rules without any presumption as to correctness and exercise any remaining doubt in favor of a reasonable interpretation when reviewing agency action. Effective October 1, 2026.

Business and Financial Institutions - Business and Nonprofit Entity Code (Act 2026-495, HB 248)

Representative David Faulkner

This act substantially amends the Alabama Business and Nonprofit Entity Code, Title 10A of, and adds Sections 10A-2A-8.70, 10A-3A-6.14, 10A-3A-8.61, 10A-3A-8.62, and 10A-3A-8.70 to, the Code of Alabama 1975, to: (1) clarify the internal affairs doctrine thereby codifying the relevant common law; (2) provide for entities' filing instruments to be corrected and nullified; (3) prohibit registered agents from performing duties or functions via a virtual office or the retention of a mail forwarding service; (4) provide procedures for the execution of certificates of withdrawal by foreign entities; (5) authorize certain bylaw provisions regarding proxy matters, including proxy solicitations; (6) further provide for the rights of, and procedures governing, owners' and members' requests to inspect entities' records, including expedited judicial review for noncompliance; (7) provide duties of stockholders to the corporation and fellow stockholders; and (8) provide procedures and duties of officers, directors, stockholders, and corporate members regarding conflicting interest transactions and corporate opportunity transactions. This act also repeals Sections 10A-2A-16.10 and 10A-3A-4.20, Code of Alabama 1975, which provided for financial statements for entities' stockholders and members. Effective August 1, 2026.

Business and Financial Institutions - Uniform Assignment for Benefit of Creditors Act (Act 2026-581, SB 15)

Senator Sam Givhan

This act is the Uniform Assignment for Benefit of Creditors Act. This act: (1) creates a uniform state-level alternative to federal bankruptcy that allows a debtor to voluntarily assign their assets to a fiduciary to liquidate the assets and distribute the proceeds to the assignee's creditors; (2) establishes requirements for assignment agreements, including for those who may enter into agreements, form and content of agreements, and assets subject to inclusion; (3) establishes requirements for filing and recording financial statements and the effect on transferring title; (4) unless waived, requires an assignee to notify creditors of assignment and provides requirements for such notification; (5) provides duties, powers, and limitations of liability for assignors and assignees, including the discharge, succession, and removal of assignees; (6) provides for allowed and disallowed, disputes as to, and proof of creditor claims, including authorizing assignees discretion to allow claims under certain circumstances; (7) grants transferees of assets certain rights; (8) provides for the distribution of assignees' assets and proceeds among creditors and the assignment estate, including claim subordination; (9) provides for the winding up and final accounting of an assignment; (10) requires the recognition and enforcement of assignments made in other states if the result would be substantially similar in this state; and (11) grants circuit courts jurisdiction to hear and resolve assignment disputes. Effective October 1, 2026.

Civil Procedure - Nondisclosure Agreements for Sexual Abuse (Act 2026-63, SB 30)

Senator Matt Woods

This act is Trey's Law. This act renders void and unenforceable any provision of an agreement entered into, executed, or amended on or after October 1, 2026, that prohibits an individual or entity from disclosing certain acts of sexual abuse or facts related to these acts of sexual abuse. Effective October 1, 2026.

Civil Procedure - Debtors Homestead Exemption (Act 2026-203, HB 96)

Representative Chris Pringle

This act amends Sections 6-10-1, 6-10-2, 6-10-38, and 6-10-40, Code of Alabama 1975, to: (1) increase the value of the portion of a homestead of individuals who are 62 years of age or older or disabled which is exempt from debt collection from $15,000 to $56,400; and (2) require bankruptcy exemption amounts be determined by the exemption in effect on the petition date. Effective June 1, 2026.

Civil Procedure - Guardianships and Conservatorships (Act 2026-488, HB 249)

Representative David Faulkner

This act amends Chapters 2 and 2A of Title 26, Code of Alabama 1975, throughout to: (1) provide procedures and notice requirements for the removal of guardianship and conservatorship proceedings from probate court to circuit court; (2) specify when the circuit court may remand such proceedings; (3) revise notice requirements relating to guardianship and protective proceedings; (4) establish the duties of guardians ad litem, which include protecting the best interests of the respondent and other duties relating to communication, recordkeeping, reporting, investigation, and advocacy; and (5) require guardians ad litem to complete a training program prior to appointment. This act adds Sections 26-2A-54, 26-2A-107.1, and 26-2A-136.1 to the Code of Alabama 1975, to: (1) require the probate court to appoint a court representative to independently evaluate petitions for guardianships and protective proceedings in certain circumstances; (2) specify the duties of court representatives; (3) authorize the probate court to appoint a temporary or emergency guardian or a temporary or emergency conservator under certain circumstances; (4) provide notice requirements, limits on the duration of authority, hearing requirements, and procedures for removal in proceedings relating to temporary and emergency guardians and conservators; and (5) revise when a court may preserve and apply property of a person who is the subject of protective proceedings. This act also repeals Section 26-2A-107, Code of Alabama 1975, relating to the appointment of temporary guardians. Effective January 1, 2027.

Conservation and Natural Resources – Certain Environmental Administrative Rules Prohibited (Act 2026-81, SB 71)

Senator Donnie Chesteen

This act prohibits a state agency from adopting or amending a rule that establishes numeric limitations or criteria for certain substances relating to environmental protection that: (1) is more stringent or extensive than federal requirements on the same topic; and (2) if there are no federal requirements on the same topic, is not based on the best available science and weight of scientific research for each substance to which the rule applies. Effective February 19, 2026.

Consumer Protection – App Store Age Verification (Act 2026-59, HB 161)

Representative Chris Sells

This act: (1) requires app store providers to verify age categories of account holders; (2) requires accounts of minors to be affiliated with parental accounts; (3) requires app store providers to obtain parental consent before allowing minor account holders to download or purchase apps, make in-app purchases, or access apps with significant changes; (4) requires app store providers to facilitate parental consent withdrawal; (5) requires app store providers to notify users of significant app changes; (6) requires app store providers to provide age category data and consent status to app developers; (7) requires app store providers to protect, and prohibits the unauthorized sharing of age category data; (8) prohibits app store providers and app developers from enforcing contracts or terms of service against minors without parental consent; (9) requires app developers to notify app store providers of significant app changes; (10) prohibits app developers from using age category data in unauthorized ways; (11) requires app developers to verify each user's age and parental consent, if applicable, limit age data received from providers, request age data or parental consent under certain circumstances, and use the lowest applicable age category when implementing safety restrictions; (12) directs the Attorney General to adopt rules; and (13) provides that violations are deceptive trade practices and may result in a civil penalty. Effective January 1, 2027.

Consumer Protection - Peer-to-Peer Car Sharing (Act 2026-111, SB 109)

Senator Chris Elliott

This act is the Peer-to-Peer Car Sharing Program Act. This act: (1) requires peer-to-peer car sharing programs to assume liability of shared vehicle owners for third-party damages and injuries, ensure shared vehicle owners and drivers are insured, have an insurable interest in a shared vehicle, provide certain notices to owners, collect certain information about the program, and ensure vehicles are safe before sharing; (2) provides for the rights and duties of insurers of shared vehicles, including the right to exclude any coverage of a shared vehicle; (3) provides requirements for peer-to-peer car sharing agreements between vehicle owners and drivers, including required terms and age limits; and (4) exempts programs and owners from vicarious liability based on vehicle ownership. Effective October 1, 2026.

Consumer Protection - Data Privacy (Act 2026-552, HB 351)

Representative Mike Shaw

This act is the Alabama Personal Data Protection Act. This act: (1) applies to persons conducting business in the state or targeting state residents that control more than 25,000 consumers' personal data and derive more than 25 percent of gross revenue from selling such data; (2) authorizes consumers to invoke, and requires these controllers of personal data to comply with, certain rights of these consumers, including opting out of data processing or requesting deletion and correction of personal data; (3) authorizes parents, guardians, and conservators to exercise these rights on behalf of their child or consumer; (4) provides procedures and guidelines for making and complying with such requests, including that no fees may be charged and a controller must respond to authenticated requests within 45 days and provide information once a year; (5) requires controllers to provide a conspicuous link on their website for consumers to opt out of personal data processing; (6) requires controllers to limit collecting and to protect personal data, including deidentified data; (7) prohibits controllers from certain actions, including processing personal data for not reasonably necessary, undisclosed purposes, processing data of individuals without consent, processing data in a discriminatory manner, and providing a different quality of service to consumers upon opting out of data processing; (8) requires controllers to provide notice when personal data is sold to third parties or processed for targeted advertising; (9) requires personal data processors to adhere to controllers' instructions pursuant to this act; and (10) exempts certain persons and types of data from these requirements. Effective May 1, 2027.

Crimes and Offenses – Sex Crimes (Act 2026-55, HB 41)

Representative Matt Simpson

This act is the Child Predator Death Penalty Act. This act amends Sections 13A-5-40, 13A-6-61, 13A-6-63, and 13A-6-65.1, Code of Alabama 1975, to: (1) provide rape in the first degree, sodomy in the first degree, and sexual torture are capital offenses when the victim is less than 12 years of age; and (2) require individuals convicted of these crimes to serve a minimum of 30 years in prison prior to being considered for parole. Effective October 1, 2026.

Crimes and Offenses - Manslaughter and Criminally Negligent Homicide Regarding Motor Vehicles (Act 2026-64, SB 169)

Senator David Sessions

This act amends Sections 13A-6-3, 13A-6-4, and 32-10-6, Code of Alabama 1975, to: (1) add causing the death of an individual while operating a motor vehicle or vessel under the influence of alcohol or a controlled substance to the acts constituting the crime of manslaughter; (2) remove the increased penalty of a Class C felony for causing the death of another by criminal negligence when operating a motor vehicle or vessel under the influence of alcohol or a controlled substance; and (3) provide that violations of duties owed by drivers of motor vehicles in accidents that involve serious physical injury are Class B felonies, and that victims of these violations are crime victims for purposes of restitution. Effective October 1, 2026.

Crimes and Offenses - Unjust Enrichment (Act 2026-287, SB 41)

Senator Keith Kelley

This act amends Section 43-8-253, Code of Alabama 1975, to: (1) prohibit individuals convicted of elder abuse and neglect or financial exploitation of an elderly person from receiving any benefits under the abused or exploited elder's will or intestate succession; (2) provide that individuals convicted of elder abuse and neglect or financial exploitation of an elderly person loses his or her interest in any real property or bank account jointly held with the abused or exploited elder; (3) prohibit individuals convicted of elder abuse and neglect or financial exploitation of an elderly person from receiving any benefits under a bond, life insurance policy, or other contractual arrangement in which the abused or exploited elder is the obligee; (4) require courts to order a final judgment of a conviction of felonious and intentional killing, elder abuse and neglect, or financial exploitation of an elderly person be recorded in the office of the judge of probate in each county in which the victim owned or owns property; (5) limit liability for persons facilitating the acquisition of property or interests by such killers or abusers without notice; and (6) exempt counties, county officials, and their agents from liability. Effective October 1, 2026.

Crimes and Offenses - Fleeing or Attempting to Elude Law Enforcement Officers (Act 2026-382, SB 233)

Senator Lance Bell

This act amends Section 13A-10-52, Code of Alabama 1975, to: (1) increase the penalty for fleeing or attempting to elude a law enforcement officer while operating a vehicle from a Class A misdemeanor to a Class D felony; (2) add that fleeing or attempting to elude a law enforcement officer while operating a vehicle with a child under 14 years of age in the vehicle is a Class C felony; (3) add that fleeing or attempting to elude a law enforcement officer while operating a vehicle by an individual released on bail, probation, parole, community corrections, or work release is a Class C felony; (4) add that fleeing or attempting to elude a law enforcement officer while operating a vehicle by an individual who has previously been convicted of fleeing or attempting to elude a law enforcement officer is a Class C felony; (5) add that striking a law enforcement officer or a vehicle occupied by a law enforcement officer while fleeing or attempting to elude a law enforcement officer is a Class B felony; (6) add that fleeing or attempting to elude a law enforcement officer by an individual who has two or more previous convictions for fleeing or attempting to elude a law enforcement officer is a Class B felony; (7) add that a second conviction for fleeing or attempting to elude a law enforcement officer within five years shall result in a minimum of 90 days confinement; and (8) add that a third or subsequent conviction for fleeing or attempting to elude a law enforcement officer within seven years shall result in a minimum of 180 days confinement. Effective October 1, 2026.

Crimes and Offenses - Dog Tethering (Act 2026-427, SB 361)

Senator Garlan Gudger

This act: (1) prohibits tethering a dog to a stationary object unless a trolley system is used in accordance with specified criteria, including the tether is not unreasonably heavy, only one dog is connected to the tether and is attached to a properly fitted collar or harness using swivels on each end, and the tether allows access to food, water, and shelter; (2) prohibits using a logging chain or choke or pinch collar to tether a dog; (3) prohibits restricting a dog within an enclosure unless in accordance with specified criteria, including the enclosure must have space for the dog to freely move and provide access to adequate water, food, and shelter; (4) exempts certain actions and persons from these prohibitions, including veterinarians, dog contests, service dogs, and walking a dog on a leash; (5) requires dogs tethered or confined outside to have access to shelter that has bedding when cold, a solid floor, space for a dog to extend its limbs, is free from accumulated wastes, and provides adequate ventilation and protection from the elements; (6) exempts certain actions and persons from these prohibitions and requirements including dogs whose purpose is related to agriculture or hunting or individuals temporarily tethering a dog near a place of business, home, or recreation area; (7) upon having probable cause that a violation of this act exists, authorizes certified law enforcement officers to order care be provided to a dog or to remove a dog if its life is in danger; (8) provides hearing and disposition procedures for seized dogs; and (9) provides violators shall pay all costs of boarding and caring for a seized dog and are guilty of a Class C misdemeanor for first violation, a

Class B misdemeanor for a second violation, and Class A misdemeanor for a third and subsequent violation. Effective October 1, 2026.

Crimes and Offenses - Defense of Self or Another (Act 2026-493, HB 192)

Representative David Faulkner

This act amends Section 13A-3-23, Code of Alabama 1975, to create a rebuttable presumption that the use of force in the defense of one's self or another is not justified if the defendant conceals, alters, destroys, or otherwise disposes of the deadly weapon or dangerous instrument used in the commission of the alleged offense. Effective October 1, 2026.

Crimes and Offenses – Arson (Act 2026-515, HB 328)

Representative David Faulkner

This act amends Section 13A-7-41, Code of Alabama 1975, to: (1) expand the crime of arson to include damaging a building by starting or maintaining a fire or causing an explosion while an individual is present in the building in conjunction with a theft and the theft, fire, or explosion causes at least $25,000 in damages; and (2) further provide for the penalty for arson to include imprisonment for at least 20 years to run consecutively with any other term or imprisonment arising from the act. Effective October 1, 2026.

Criminal Procedure - Notification of Juvenile Delinquency (Act 2026-305, HB 189)

Representative Alan Baker

This act amends Section 12-15-217, Code of Alabama 1975, to: (1) require a juvenile court to provide written notice to the superintendent of education of the school district of attendance or principal of a private K-12 school when an enrolled child is charged with or adjudicated delinquent by the juvenile court of committing a capital offense, murder, rape, or sodomy; and (2) authorize a juvenile court to provide written notice to the superintendent of education of the school district of attendance or principal of a private K-12 school when an enrolled child is charged with or adjudicated delinquent by the juvenile court for committing any other act which would be a crime if committed by an adult. Effective October 1, 2026.

Education - Military Veteran Temporary Teaching Certificate (Act 2026-166, SB 149)

Senator Matt Woods

This act adds Section 16-23-3.2 to the Code of Alabama 1975, to: (1) require the State Board of Education to establish a one-time Military Veteran Temporary Teaching Certificate valid for five years for a teaching field otherwise requiring a bachelor's degree, subject to limitations; (2) provide criteria that veterans must satisfy to receive a certificate including serving a minimum length of time in the military, completing a minimum number of college credits, achieving a minimum Praxis content test score, receiving a recommendation from a public or private K-12 school administrator, and passing a criminal background check; and (3) require these veterans to be mentored for the initial two years of service. Effective October 1, 2026.

Education - Screen-Time Policies (Act 2026-169, HB 78)

Representative Jeana Ross

This act is the Healthy Early Development and Screen Time Act. This act adds Article 4 to Chapter 24, Title 26, and Sections 16-40-15 and 38-7-7.1 to the Code of Alabama 1975, to: (1) require the Department of Early Childhood Education, State Department of Human Resources, and State Department of Education to collaboratively develop screen time guidelines for children under six years of age, screen time standards for early childhood education programs, and teacher and staff training on these standards; (2) provide requirements for using screen-based media in early childhood education programs; (3) require relevant state agencies to implement and monitor the guidelines and training for early childhood education programs under their jurisdiction; (4) require by the 2027-2028 school year that each local board of education adopt a kindergarten screen time policy; and (5) condition the licensure of certain child-care facilities upon adopting a compliant screen time policy.

Education - College and Higher Education Excellence and Results (CHEER) Act (Act 2026-422, HB 565)

Representative Danny Garrett

This act is the College and Higher Education Excellence and Results (CHEER) Act. This act adds Chapter 5B to Title 16, Code of Alabama 1975, to: (1) establish the CHEER Fund in the State Treasury to be administered by the Alabama Commission on Higher Education (ACHE) to consist of all funds appropriated to ACHE for outcomes-based funding for four-year colleges and universities and other funds; (2) establish an outcomes-based higher education funding program beginning in the fiscal year beginning on October 1, 2026, through which institutions of higher education meeting specific eligibility criteria may receive bonus funding for achieving performance outcome category goals; (3) establish the Outcomes-Based Higher Education Funding Coordinating Committee to select, in discussion with institutions, the performance outcome category goals, collect data needed from institutions to award funds, make recommendations to the Legislature regarding the funding, and annually publish a report on the implementation and impact of the program; (4) require all bonus funds be used for achieving performance outcome category goals, subject to exceptions. This act also supersedes any previous outcomes-based funding program, including those developed by the Alabama Community College Advisory Council on outcomes-based funding under Act 2017-217. Effective June 1, 2026.

Education - Higher Education Institutions' Faculty Senates and Tenure (Act 2026-432, HB 580)

Representative Troy Stubbs

This act adds Articles 2, 3, and 4 to Chapter 5A, Title 16, Code of Alabama 1975, to: (1) provide only the governing board of a public institution of higher education may establish a faculty senate; (2) abolish faculty senates established before October 1, 2026, unless in accordance with this act and ratified by the governing board; (3) require governing boards to adopt policies governing the selection and conditions of a faculty senate before establishing such, including ensuring adequate representation of each school or college and numbers of members; (4) authorize removal of faculty senate members by a university president under certain circumstances; (5) provide that a faculty senate is only advisory in capacity and may not issue public statements on behalf of an institution; (6) prohibit any accrediting agency from requiring a public institution of higher education to violate this act; (7) require governing boards to adopt policies governing faculty tenure; (8) authorize the dismissal of tenured faculty members, after providing due process, upon committing specified actions and require governing boards to adopt policies authorizing such dismissals; (9) require periodic review of tenured faculty members at least every six years but not more than annually; and (10) require that each governing board approve the courses and curriculum required to obtain a degree from the respective institution and control the courses taught at the institution. This act also designates Section 16-5A-1 as Article 1 of Chapter 5A, Title 16, Code of Alabama 1975. Effective October 1, 2026.

Education - CHOOSE Act Athletics Enforcement (Act 2026-481, SB 342)

Senator Clyde Chambliss

This act adds Section 16-6J-10 to the Code of Alabama 1975, to: (1) authorize schools, students, and parents of such students, participating in the CHOOSE Act to bring a civil action to have an interscholastic athletic association enjoined from enforcing rules limiting CHOOSE Act students' participation in sports solely due to their CHOOSE Act participation and enjoined from punishing a CHOOSE Act student for participating in sports pursuant to a court's injunction under this act or for supporting such a student's participation; (2) provide rules governing actions for such injunctions; and (3) authorize these CHOOSE Act participants to bring civil actions against interscholastic athletic associations for actual economic damages resulting from these actions within two years thereof. Effective April 14, 2026.

Elections, Voting, and Campaigns - Allowable Uses of and Disposition of Property Purchased with Campaign Funds (Act 2026-210, SB 230)

Senator Sam Givhan

This act adds Section 17-5-7.3 to the Code of Alabama 1975, to: (1) authorize using campaign funds to pay or reimburse the state or a county or municipality for security expenses, including reasonable costs for cybersecurity,

security devices, and security personnel, to protect a candidate, an elected official, or an immediate family member or staff member thereof; (2) exempt from the liquidation requirements of the Fair Campaign Practices Act any security device purchased under this act which is permanently affixed to property; and (3) authorize legislative members to dispose of property purchased with campaign funds to furnish their offices at the State House on South Union Street in Montgomery by donation or any other manner, without accounting for its value. Effective March 3, 2026.

Elections, Voting, and Campaigns - Foreign National Prohibitions (Act 2026-266, HB 214)

Representative James Lomax

This act amends Section 17-5-15.1, Code of Alabama 1975, to: (1) prohibit foreign nationals from contributing anything of value in connection with a state or local public office election or noncandidate election to a state or local political party committee or to a political action committee and from paying for electioneering communications; (2) prohibit soliciting, accepting, or receiving any such contributions or payment from foreign nationals; (3) create a rebuttable presumption against violating this solicitation prohibition if solicitation contains notice to the contrary; (4) exempt membership dues and conference fees from these prohibitions so long as the organization is not a foreign national, only a portion of dues or fees comes from foreign nationals, and no election decisions are dictated by foreign nationals; and (5) provide knowingly or willingly violating this act is a Class C felony.

Elections, Voting, and Campaigns - Restoration of Voting Rights (Act 2026-531, SB 24)

Senator Linda Coleman-Madison

This act requires the Board of Pardons and Paroles to post on the board's website: (1) instructions and an electronically submittable application form for individuals who have lost their voting rights due to a criminal conviction to request the restoration of voting rights if applicable, not later than March 1, 2027; and (2) the Alabama Institutional Serial (AIS) number of parolees and probationers whose voting rights have been restored. Effective October 1, 2026.

Elections, Voting, and Campaigns - Candidate Statement of Economic Interests (Act 2026-543, SB 194)

Senator Sam Givhan

This act amends Section 36-25-15, Code of Alabama 1975, to: (1) eliminate the requirement that a candidate who has filed a statement of economic interests before qualifying must notify the State Ethics Commission of this fact; and (2) provide a candidate five additional days to file a statement of economic interests upon notification from the commission that the candidate has not met the initial filing requirement. Effective April 15, 2026.

Elections, Voting, and Campaigns - Campaign Record Retention (Act 2026-583, SB 166)

Senator Vivian Figures

This act adds Section 17-5-6.1 to the Code of Alabama 1975, to authorize political action committees, principal campaign committees, and other persons required to file reports or statements under the Fair Campaign Practices Act to destroy any record, account, report, or statement required under the act, and all relevant records thereto, after four years. Effective October 1, 2026.

Elections, Voting, and Campaigns - Credit Card Campaign Contributions (Act 2026-596, SB 92)

Senator Arthur Orr

This act: (1) prohibits principal campaign committees, political action committees, and political parties from accepting contributions made with a credit card unless the card verification code is provided to the committee or party by the contributor at the time of contributing and the billing address of the card is in the United States, subject to exceptions for U.S. citizens living abroad; (2) requires these committees and parties to retain contributors' names and addresses; and (3) subjects credit card processors that process such contributions without requiring a verification code or zip code to a forfeiture amount equal to the contributions. Effective October 1, 2026.

Family Law - Child Custody Determinations (Act 2026-237, SB 239)

Senator Rodger Smitherman

This act amends Section 30-3B-204 of the Code of Alabama 1975, to provide temporary emergency child custody determinations made pursuant to the Uniform Child Custody Jurisdiction Enforcement Act shall become final determinations six months after the temporary determination if no child custody proceeding has been commenced in another state with jurisdiction. Effective October 1, 2026.

Government Administration - Public Retirement Funds Restitution (Act 2026-333, SB 58)

Senator Arthur Orr

This act amends Section 36-27D-1, Code of Alabama 1975, to: (1) require the contributions and interest of members of the Retirement Systems of Alabama forfeited due to a guilty plea, plea of no contest, or a final judgment regarding a felony offense related to, arising from, or in connection to the members' public service position, an obscenity-related offense, or a sexual offense as a school employee to be used as restitution to the harmed public agency or entity; (2) authorize public officials and employees to use public funds to defend against, until indicted, investigations for a felony offense related to, arising from, or connected to the individual's position; and (3) require these public officials and employees who are placed on leave with pay while under such investigation to pay back all compensation received since the commission of the offense upon conviction. Effective October 1, 2026.

Health - Rural Hospital Investment Program (Act 2026-34, HB 245)

Representative Terri Collins

This act amends Sections 40-18-551, 40-18-552, 40-18-557, and 40-18-559, Code of Alabama 1975, relating to the Rural Hospital Investment Program Board, to: (1) expand the definition of "utility tax" for purposes of the program; (2) move the board from the Office of the Treasurer to the Alabama Department of Revenue; and (3) further specify the utility tax payments against which a credit may be claimed. This act also repeals Section 40-18-560, Code of Alabama 1975, relating to the rulemaking authority of the State Treasurer and board regarding the program. Effective February 4, 2026.

Health - Mobile Food Units Certification (Act 2026-398, SB 197)

Senator Dan Roberts

This act: (1) beginning January 1, 2027, exempts mobile food units from county and municipal health and fire inspections if a unit holds a valid health inspection certificate from the health department of the county of the permitted food establishment to which the unit returns after daily operation and a valid fire inspection certificate from a local fire department authorized to inspect mobile food units by the State Fire Marshal; (2) requires the State Fire Marshal to establish a statewide uniform fire inspection process for mobile food units, to include specified criteria, and maintain a list of certifying local fire inspectors; (3) provides that health and fire officials are not precluded from inspecting mobile food units and taking certain actions, including ordering to cease operation, if significant health issues are present; and (4) provides that operating a mobile food unit without valid health and fire inspection certificates is a Class C misdemeanor and that a subsequent violation prohibits operating for 30 days. Effective July 1, 2026.

Health - Rural Health Antitrust Immunity Act (Act 2026-522, HB 605)

Representative Jamie Kiel

This act is the Rural Health Antitrust Immunity Act. This act: (1) authorizes persons to share data, collaborate, and provide shared services to improve rural healthcare upon approval of the State Health Planning and Development Agency and Governor; (2) provides requirements for applying for approval, including providing the parties, nature of proposed activities, and effect on competition; (3) provides factors that the agency may consider in evaluating applications, including if rural healthcare is improved and anticompetitive effects are outweighed; (4) requires a certificate be renewed every three years and provides a renewal process; and (5) requires the agency to adopt rules to monitor activities conducted pursuant to an approval certificate. Effective April 15, 2026.

Health - SNAP Benefits (Act 2026-537, SB 57)

Senator Arthur Orr

This act: (1) requires the Alabama Department of Human Resources, upon the approval of a request submitted to the USDA Food and Nutrition Service, to exclude candy and soda from the definition of "eligible foods" for purposes of SNAP benefits, to prohibit the purchase of candy and soda with SNAP benefits, subject to one month's notice provided by retailers before becoming effective; (2) requires the Governor to designate an agency to publish a list of items included and excluded under the waiver, including standard point-of-sale identifiers; (3) requires the waiver request to be resubmitted if denied until approved; and (4) prohibits punishing retailers for accidental noncompliance unless a retailer has more than three accidental noncompliance incidents during a year. Effective October 1, 2026.

Health - Living Organ Donors (Act 2026-559, HB 361)

Representative Anthony Daniels

This act is the Alabama Living Donor Protection Act. This act: (1) prohibits insurers from declining or limiting coverage of an individual solely because he or she is a living organ donor, requiring an individual to refrain from donating an organ as a condition for policy renewal, or otherwise discriminating against living organ donors; (2) authorizes state employees to receive up to 30 days leave when donating an organ and up to seven days leave when donating bone marrow upon submitting a written request accompanied by a doctor's verification and approval of the State Director of Personnel; (3) authorizes county and municipal employees and other public employees to receive up to 30 days leave when donating an organ and up to seven days leave when donating bone marrow upon submitting a written request accompanied by a doctor's verification and approval of the appointing authority, with protection from job-related retaliation or discrimination; and (4) beginning January 1, 2027 and ending December 31, 2031, authorizes private sector employers to claim a tax credit equal to 25 percent of the gross compensation paid to an employee for the period of leave taken, not exceeding $2,000, for affording employees up to 30 days of paid leave to make an organ donation, subject to the employer adopting a specific formal policy and not reducing pay. Sections 1 through 4 of this act are effective October 1, 2026, and Section 5 of this act is effective January 1, 2027.

Military and Veterans Affairs - Veterans Property Tax Debt-To-Income Ratio Exemption (Act 2026-268, HB 77)

Representative Kenneth Paschal

This act is the Disabled Veterans Property Tax Debt-To-Income Ratio Exemption Act. This act: (1) requires tax assessing officials to issue a tentative certificate of exemption from ad valorem taxation for a homestead to veterans with a 100 percent disability rating and who qualify for a permanent ad valorem homestead exemption due to disability upon the veteran providing certain information; (2) prohibits settlement agents from considering homestead ad valorem taxes in determining a borrower's debt-to-income ratio upon receiving a tentative certificate; and (3) provides that a tentative certificate of exemption becomes permanent upon a veteran purchasing a homestead. Effective October 1, 2026.

Military and Veterans Affairs - Employment Preference (Act 2026-574, HB 307)

Representative Rick Rehm

This act amends Section 36-26-15, Code of Alabama 1975, to: (1) require the spouses of veterans and active duty service members to have 5 points, and the spouses of active duty service members who died in the line of duty to have 10 points, added to their competitive tests for state service; (2) authorize local governments to grant a hiring preference to veterans, spouses of living and dead veterans, and spouses of active duty service members; (3) authorize private employers to adopt a written and uniformly applied veterans' preference employment policy for veterans, spouses of veterans, and spouses of active duty service members upon submitting certain documents to the employer; and (4) require the Alabama Department of Workforce to publish on their website a registry of private employers with such policies. Effective January 1, 2027.

Occupational Licensing - General Contractor Licensure (Act 2026-396, SB 279)

Senator Clyde Chambliss

This act amends Section 34-8-7, Code of Alabama 1975, to exempt the following services and types of work from the requirement to be licensed as a general contractor: (1) repairing a residence or private dwelling; (2) constructing or repairing a residential swimming pool; (3) pressure washing; (4) maintaining, repairing, or removing security systems, lighting, filter systems, plumbing, air conditioning, electrical systems, and existing paint; and (5) routine cleaning, waste disposal, and janitorial services. Effective October 1, 2026.

Property – Decedent's Estates (Act 2026-226, SB 195)

Senator Rodger Smitherman

This act amends Section 43-8-216, Code of Alabama 1975, to authorize the removal of will contests and estate administrations from probate courts to circuit courts without assigning any special equity so long as the judge of probate or probate court does not have equitable jurisdiction concurrent with that of the circuit court. Effective October 1, 2026.

Property - Fraudulent Conveyances (Act 2026-536, SB 292)

Senator Arthur Orr

This act is the Alabama Property Protection Act of 2026. This act adds Chapter 19J to Title 8 and Chapter 21 to Title 35, Code of Alabama 1975, adds Sections 8-6-61, 12-13-55, and 13A-9-23 to the Code of Alabama 1975, and amends Sections 6-6-540, 6-6-545, 6-6-571, 13A-9-12, 13A-9-22, 36-20-73, and 36-20-73.1, Code of Alabama 1975, to: (1) authorize the Alabama Securities Commission to investigate, adjudicate, and take specified enforcement actions, including levying civil penalties, against residential title fraud violators; (2) authorize the commission, in conjunction with judges of probate, to fund and administer a statewide real property notification alert system; (3) authorize the commission to order proceeds derived from fraudulent real estate conveyances as determined by the commission to be forfeited and deposited into the Alabama Title Fraud Recovery Fund and levy a $10,000 civil penalty for violating such an order; (4) prohibit real estate agents from agreeing to sell or lease, and settlement agents from closing on, certain residential property unless the seller's identity and ownership rights are verified; (5) provide for an expedited quiet title complaint process based on fraudulent title conveyance; (6) provide for appeals of the commission's administrative orders to the circuit court; (7) establish the Alabama Title Fraud Recovery Fund to be administered by the commission to compensate parties injured by fraudulent conveyances, subject to certain criteria; (8) authorize the commission to levy civil penalties of up to $100,000 per fraudulent title conveyance transaction; (9) establish the crime of aggravated fraudulent sale or lease of residential property when a person knowingly lists a property for sale or lease without the authority to do so and either receives money from the sale or the victim is 70 years of age or older, the penalty for which is a Class C felony; (10) require online real estate platforms to verify ownership before listing properties for sale or lease which are not listed with a licensed real estate broker; (11) require online real estate platforms to remove public photos of properties not for sale upon the request of a verified owner; (12) provide that a plaintiff in a quiet title action based upon a fraudulent conveyance is entitled to recover all costs of bringing the action, including attorney fees; (13) require a judge of probate's order granting a petition for expungement of a false or fraudulent lien, deed, or other instrument to contain certain relevant information; (14) increase the penalty for the crime of fraudulent sale or lease of residential real property from a Class A misdemeanor to a Class D felony; (15) provide that a notary public is not obligated to perform a notarial act if he or she believes it is illegal, false, deceptive, or coercive or the individual's demeanor casts doubts as to the individual's knowledge of the consequences; (16) require a notary public remotely notarizing documents to verify the identity of a signatory and his or her understanding and competence to sign, notify the signatory that the proceedings are being recorded, and verify that the signatory is located within the United States; and (17) require a remote notary to refuse to perform a remote notarial act if the signatory appears to lack knowledge of the consequences of their actions or the image of the signatory appears to be artificially generated or the communication method is unsecure. Effective October 1, 2026.

Public Safety and Emergencies - Camp Safety (Act 2026-368, HB381)

Representative David Faulkner

This act is the Sarah Marsh Heaven's 27 Camp Safety Act. This act: (1) requires camp operators that host youth 16 years of age and younger to possess an emergency preparedness license issued by the Alabama Emergency Management Agency (EMA); (2) provides procedures and prerequisites for receiving a license, including camps having certain equipment and capabilities; (3) prohibits individuals convicted of sexual or violent crimes from being camp staff members; (4) prohibits constructing or expanding camp cabins in floodplains, subject to exceptions for existing cabins; (5) requires camp shelter spaces sufficient for all overnight campers and staff; (6) requires camps to have EMA-approved emergency preparedness plans that prescribe procedures for weather, natural disaster, sickness, injury, or death emergencies, including evacuation, sheltering in place, and parental notification; (7) authorizes legal guardians of campers to request and receive certain information from camps; (8) requires a safety orientation for newly arrived campers and annual safety training for staff; (9) specifies safety compliance requirements for organizations that use licensed campsites; (10) provides an appeal process for disapproved license applications; (11) authorizes the EMA to inspect camps to verify compliance with this act; and (12) establishes the Youth Camp Safety Advisory Council to advise EMA on the implementation of this act. Sections 1 through 12 and Sections 14 and 15 of this act are effective January 1, 2027, and Section 13 of this act is effective April 8, 2026.

State Government - Competitive Bidding Exemption (Act 2026-254, SB 196)

Senator Steve Livingston

This act amends Section 39-2-2, Code of Alabama 1975, to exclude contracts for the purchase, design, and installation of playground equipment in public areas from the competitive bidding requirements for public works contracts. Effective June 1, 2026.

State Government - Legislative Appointments (Act 2026-327, SB 22)

Senator Sam Givhan

This act substantially amends sections throughout the Code of Alabama 1975, to replace the President or Presiding Officer of the Senate's authority to appoint various members of boards and commissions with the President Pro Tempore of the Senate's authority to appoint these members. Effective October 1, 2026.

State Government - Contract Review Committee (Act 2026-328, SB 40)

Senator Sam Givhan

This act amends Section 29-2-41, Code of Alabama 1975, to add that the Contract Review Permanent Legislative Oversight Committee may recommend that the Governor not sign a contract subject to review by committee. Effective October 1, 2026.

State Government - Lieutenant Governor Vacancy and Salary (Act 2026-341, SB 271)

Senator Sam Givhan

This act proposes an amendment to the Constitution of Alabama of 2022, to: (1) amend Section 127, to provide that when the office of Lieutenant Governor is vacant more than 60 days before the next general election, a lieutenant governor shall be elected at the general election for the duration of the unexpired term; (2) authorize the Legislature to set the amount of compensation for the Lieutenant Governor and the officers of both houses by joint resolution; and (3) require that any expenditure of funds appropriated for use by members of the Legislature for travel expenses be approved by an officer of the Legislature elected from the full membership of the respective chamber. Effective upon ratification.

State Government - Public Service Commission (Act 2026-345, HB 475)

Representative Mack Butler

This act is the Power to the People Act. This act amends Sections 17-14-2, 17-14-3, 36-3-1, 37-1-1, 37-1-3, 37-1-5, and 37-1-12, Code of Alabama 1975, to: (1) expand the Public Service Commission from three to seven members from each congressional district as of 2024; (2) require the Governor to appoint four members to the commission by July 15, 2026, for two two-year terms and two four-year terms; (3) require elections of commissioners at the general elections in 2026, 2028, 2030, and 2032 to replace the current and appointed commissioners; (4) extend the length of commissioners' terms from four to six years; (5) prohibit utilities regulated by the commission from contributing to commission candidates; (6) subject commissioners to the state ethics laws; (7) prohibit commissioners from representing any person before the Legislature or executive agencies; (8) create the position of the Secretary of Energy within the Governor's cabinet to direct the commission, set the agenda for commission meetings, and administer the commission and its personnel. This act also adds Sections 37-1-81.1, 37-1-81.2, and 37-1-81.3 to the Code of Alabama 1975, to: (1) prohibit any retail electric utility rate increase until January 1, 2029; (2) provide for a rate hearing after this prohibition; (3) beginning January 1, 2029, prohibit these utilities from factoring into electric rates the costs of providing funding that impacts others' rates, lobbying, or advertising; and (4) require yearly public commission meetings on regulatory issues with utility representatives present. Effective June 1, 2026.

State Government - Officials' Appointing Authority (Act 2026-555, HB 220)

Representative Chris Pringle

This act: (1) provides that any member of a board, authority, or commission appointed by the Governor, Lieutenant Governor, Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Minority Leader of the House of Representatives, or the Minority Leader of the Senate serves at the pleasure of his or her respective appointing authority and may be removed by his or her respective appointing authority at any time, subject to exceptions; and (2) requires an appointing authority who removes a member to appoint a qualified replacement member. Effective October 1, 2026.

Taxation and Revenue - Catastrophe Savings Accounts (Act 2026-100, HB 27)

Representative Chip Brown

This act amends Sections 40-18-310, 40-18-311, and 40-18-312, Code of Alabama 1975, for tax years beginning on or after January 1, 2027, to: (1) revise the residential property for which a catastrophe savings account may be established; (2) add costs of fortified endorsements to supplement insurance policies and mitigation action costs to qualified catastrophe expenses; (3) increase the amounts that may be contributed to accounts by $15,000 for qualified catastrophe expenses; and (4) remove the prohibition that taxpayers receiving nontaxable distributions may not make further contributions. Effective October 1, 2026.

Taxation and Revenue - Income Tax Exclusions (Act 2026-551, HB 250)

Representative Danny Garrett

This act amends Section 40-18-14, Code of Alabama 1975, for tax years beginning on or after January 1, 2026, to: (1) exclude amounts contributed by an employer to the Trump Account of an employee or their dependent from the employee's gross income; and (2) permanently exclude amounts of principal or interest paid by an employer on any qualified education loan of an employee from the employee's gross income. Effective May 1, 2026.

Transportation and Utilities - Alabama Work Zone Safety Act (Act 2026-475, SB 341)

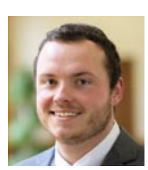
Senator Josh Carnley

This act is the Alabama Work Zone Safety Act. This act: (1) authorizes the Alabama Toll Road, Bridge, and Tunnel Authority and the Alabama Department of Transportation to install certain automated photographic speed enforcement systems, and the Alabama State Law Enforcement Agency (ALEA) to use manually operated photographic speed enforcement systems, in active work zones to monitor motor vehicles to assure safety; (2) authorizes ALEA to issue civil traffic citations for speeding violations recorded by photographic speed enforcement systems and to mail notice of citations or warnings to a vehicle owner's address; (3) prohibits ALEA from issuing a notice if the identity of the owner is not reliably established; (4) provides that a failure to pay a civil penalty or contest liability in a timely manner, not exceeding 60 days, is an admission of liability; (5) requires the Secretary of ALEA to adopt rules providing for a hearing procedure and the resolution of violations; (6) provides that a speeding violation under the act is punishable by a civil fine of $250 and shall not result in a criminal penalty or points on the driver license; (7) provides requirements, including training and attestation of recorded violations via affidavit, for speed enforcement officers to operate photographic speed enforcement systems; (8) requires photographic speed enforcement systems to be independently calibrated annually; (9) requires the admission of a citation notice, recorded images of a violation, and evidence of ownership of a vehicle in court without foundation, with exceptions; (10) provides affirmative defenses that may be raised by cited individuals; (11) provides 50 percent of the civil penalties collected under this act shall be distributed to ALEA for costs of implementing this act, with any excess being deposited into the ALEA Work Zone Safety Fund, and the remaining 50 percent distributed to the department for costs of implementing this act, with any excess being deposited into the Transportation Work Zone Safety Fund; (12) establishes the ALEA Work Zone Safety Fund to be administered by ALEA and the Transportation Work Zone Safety Fund to be administered by the department in the State Treasury; (13) establishes a pilot program to authorize the department and ALEA to implement this act within one interstate work zone by October 1, 2026, with statewide implementation not before November 16, 2026; (14) authorizes the department and ALEA to make emergency procurements and adopt emergency rules to facilitate the pilot program implementation date; and (15) provides this act is repealed on September 30, 2028.

Transportation and Utilities - Data Center Electricity Usage (Act 2026-610, SB 270)

Senator Lance Bell

This act adds Section 37-4-22.1 to the Code of Alabama 1975, to: (1) provide that contracts between a utility and a large load data center are in the public interest if the costs of supplying electricity to the data center are recouped from the data center and positive benefits for other retail electric customers are promoted; and (2) provide whether the terms of a contract could lower costs for other utility customers, whether the data center is expected to increase efficiency in the electric system, and whether the data center promotes or contributes to economic growth in the community as considerations for the Public Service Commission to determine if a contract between a utility and data center provides positive benefits. Effective October 1, 2026.



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.

By Devan Byrd

BUILDING YOUR PROFESSIONAL BRAND: *Creating a Reputation That Opens Doors*

By Devan Byrd, Young Lawyers Section President

Your professional brand isn't something you create after you've achieved success; it's being built right now, through every pleading you file, every client interaction, every conversation with colleagues, and every choice you make about how you show up in your practice. Whether you're intentional about it or not, you're developing a reputation that will follow you throughout your career.

The question isn't whether you're building a brand. The question is whether you're building it deliberately or letting it happen by accident. Your professional brand is your reputation: what people say about you when you're not in the room, what comes to mind when your name appears on an email, what colleagues think when they consider you for an opportunity.

For young lawyers working in firms or organizations, building an authentic professional brand presents unique challenges. You're not the face of the firm. You don't control the marketing budget. You can't simply declare yourself an expert in an area. But you can take ownership of the reputation you're building, one interaction and one work product at a time.

Understanding Professional Branding

Your professional brand is built through consistent actions over time and cannot be fabricated through social media posts or clever marketing alone. It's the intersection of what you're genuinely good at, what you consistently deliver, and what others can count on you for.

A strong professional brand makes opportunities come to you. Partners think of you first for certain types of assignments. Colleagues seek your input on specific issues. Clients request you by name. Other firms try to recruit you. Professional organizations invite you to contribute. But none of this happens by accident or overnight. It's the result of deliberate choices about how you practice law and engage with your professional community.

Six Strategies for Building Your Brand

1. Define What You Want to Be Known For

You cannot be all things to all people; you can only be yourself. So, identify your unique strengths and the specific value you want to be recognized for delivering and focus on developing those characteristics. Perhaps you want to be known as the attorney who never misses a deadline and always delivers ahead of schedule. Maybe your brand is built on your ability to explain complex legal concepts to clients in plain English. Or perhaps you want to be recognized for bringing creative solutions to difficult problems.

Your brand might center on meticulous attention to detail, calm effectiveness under pressure, or skill at building consensus among disagreeing parties. Whatever it is, be intentional about defining it and then demonstrate it consistently in everything you do. Your brand should reflect both your genuine strengths and the value your clients and colleagues need.

2. Deliver Exceptional Work, Every Single Time

Nothing builds your brand faster than consistently excellent work product. This doesn't mean perfection; it means doing your absolute best on every assignment, whether it's a major summary judgment motion or a routine status update to a client.

Proofread everything multiple times. Verify your citations. Your supervisor is not your editor. Meet your deadlines with time to spare, not at the last possible moment. Anticipate questions and answer them preemptively in your work product. Make your supervising attorneys look good by making their jobs easier. Your reputation for quality spreads through word of mouth far more effectively than any marketing campaign you could devise.

Remember that every piece of work you produce carries your name and contributes to your reputation. The brief you're drafting at midnight matters just as much as the one you'll present in court. Consistency is the key. One exceptional brief followed by three mediocre ones doesn't build a strong brand.

3. Become the Go-To Expert

Identify a specific area of law, a particular skill, or a niche expertise and develop deep knowledge in it. This might be a specialized area of practice, a specific type of motion or pleading, a particular industry your firm serves, or even expertise in a technology platform or research tool that others struggle with.

When you become the person everyone turns to for guidance in that area, you've created differentiated value that strengthens your brand. Share your knowledge generously in plain language that everyone can follow. Write internal memos, guides, and checklists that help colleagues, give lunch-and-learn presentations on your area of expertise, and author articles for bar publications like the Alabama Lawyer. Teaching others reinforces your own expertise while simultaneously expanding your reputation beyond your immediate circle.

4. Be Strategically Visible in the Right Places

While your primary focus must always be excellent work, strategic visibility matters for brand building. Join relevant bar sections and committees where you can contribute meaningfully, not just collect titles. Attend legal community events with the goal of building genuine relationships, not collecting business cards.

Speak on CLE panels when opportunities arise even if the topic isn't glamorous or the audience is small. Write articles that showcase your expertise and thinking. Volunteer for pro bono work that aligns with your values and allows you to develop new skills. Your brand must be built on substance, but that substance must be visible to others to have maximum impact on your career trajectory.

5. Maintain Unwavering Professionalism

Your brand can be irreparably damaged in a single moment of unprofessional conduct. Every interaction matters with opposing counsel, with judges and court staff, with clients, with your own team members, with people you encounter at bar events.

Be unfailingly civil, even when others are not. Return phone calls and emails promptly, or at minimum acknowledge receipt and provide a timeline for a substantive response. Honor your commitments without excuse. Admit mistakes quickly and completely, without defensiveness. Treat everyone with respect regardless of their position or perceived importance.

Remember that Alabama's legal community is smaller and more interconnected than you might think. Your reputation precedes you everywhere you go, and negative stories travel faster and farther than positive ones. Protect your brand by protecting your professionalism in every single interaction.

6. Build Genuine Relationships

Your professional brand isn't built in isolation; it's built through relationships with colleagues, clients, mentors, and the broader legal community. Invest time in building authentic connections with people at all levels of your organization and across the profession.

Support your colleagues' successes. Celebrate others' achievements genuinely. Offer help without expecting immediate reciprocation. Remember that strong professional relationships are built on mutual respect, reliability, and genuine care for others' wellbeing and success. People remember how you made them feel, and those memories become part of your brand.

The Long Game

Building a strong professional brand is a marathon, not a sprint. It requires patience, consistency, and a commitment to excellence even when no one is watching. There will be moments when your efforts seem invisible, when others receive recognition for work you contributed to, when your consistent excellence feels like it's going unnoticed.

Keep going. Every interaction, every work product, every professional choice is an investment in your long-term reputation. The lawyers who build the strongest brands are those who maintain their standards regardless of who's watching, who deliver excellence because it reflects their personal values, and who understand that reputation is built through thousands of small choices over years, not through a few dramatic moments.

Your brand is also portable. Whether you stay with your current employer for decades or move on to other opportunities, the reputation you're building now will follow you. Invest in building a brand based on genuine competence, authentic relationships, and consistent professionalism. These assets appreciate over time and compound in value throughout your career.

Your Brand Is Being Written Now

You don't need a corner office or name recognition to build a powerful professional brand. You need competence, character, consistency, and a genuine commitment to adding value wherever you are and in whatever you do.

Your professional brand is being written right now, in the daily choices you make about the quality of your work, how you treat people, whether you follow through on commitments, and how you handle challenges and setbacks. Make those choices intentionally. Make them reflect the lawyer you want to become, not just the lawyer you are today.

The reputation you build in your first years of practice will create opportunities you cannot yet imagine. It will open doors, create possibilities, and serve as the foundation for everything you accomplish in this profession. Invest in it wisely. Protect it fiercely. Build it deliberately. Your future self will thank you for the care you took in crafting the professional brand that will carry you through your entire legal career. ▲

Devan Byrd

2025-2026 President, Alabama Young Lawyers' Section

Devan is the founder of Byrd Firm, PLLC and is a passionate advocate on behalf of individuals who have suffered catastrophic injuries and the families who have lost loved ones due to the negligence of others. While Devan handles a wide variety of catastrophic injury and death cases, she is particularly focused on prosecuting cases involving medical malpractice and nursing home negligence. She is recognized by Best Lawyers, a Super Lawyer Rising Star, and Top 40 Under 40 by the National Black Lawyers.

Please email announcements to melissa.warnke@alabar.org.

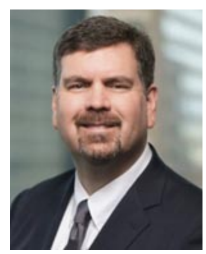
Bar Briefs celebrates member achievements, accolades, and honors. We look forward to celebrating the accomplishments and good news of our members in this section!

Bradley Attorneys Recognized for Professional, Alumni and Community Contributions

Bradley and several of its attorneys were recently recognized for professional leadership, alumni achievement and support of Auburn University programs.

The Bradley Workshare Office in the Auburn in Birmingham Building

Auburn University recognized the firm with the dedication of the Bradley Workshare Office in the Auburn in Birmingham Building, which houses Auburn programs focused on business, architecture, design, construction and real estate development. Several Bradley partners and Auburn alumni attended the dedication, including Beau Byrd, Jared Batte, Matt Hinshaw, Trey Oliver, Stephen Monk and Mike Brown.



Archibald

Long

Bradley partner Jim Archibald was elected treasurer of the American College of Construction Lawyers' Executive Committee. Archibald has been a Fellow of the ACCL since 2016 and recently completed a three-year term on the organization's Board of Governors.

Bradley associate Kelsi A. Long was named a recipient of the University of Alabama National Alumni Association's 18 Under 31 Young Alumni Awards, which recognize young alumni who have made notable contributions to their industry, field or community.

Burr & Forman Partner Melinda Sellers Appointed Chair of ACREL Committee

Sellers

Burr & Forman Birmingham Partner Melinda Sellers has been appointed chair of the Common Interest Ownership Committee of the American College of Real Estate Lawyers.

In this role, Sellers leads the committee's work to advance real estate law and practice in the area of condominium, planned community and other types of common interest ownership. The committee serves the public and the real estate bar by addressing emerging legal issues in these communities, supporting ACREL Fellows through the publication of recent developments and contributions to college programming, and providing a forum for discussion on matters impacting common interest ownership.

Alabama Law Foundation Fellows

Bernard Nomberg (left) alongside his brother and law partner, David Nomberg

Bernard Nomberg Inducted as Fellow of College of Workers' Compensation Lawyers

Bernard Nomberg has been inducted as a Fellow of the College of Workers' Compensation Lawyers.

The College of Workers' Compensation Lawyers honors workers' compensation plaintiffs' attorneys, defense attorneys, professors and judges nationwide. Fellows are recognized as distinguished members of the workers' compensation legal community.

Nomberg is one of two Alabama lawyers who represent injured workers in the College. He joins his brother and law partner, David Nomberg, who was inducted into the College in 2023.

Alabama Law Foundation Announces 2026 Fellows Class

The Alabama Law Foundation inducted its 2026 class of Fellows during the annual Fellows Dinner, held April 11 at Renaissance Ross Bridge Hotel and Spa.

Each year, members of the Fellows nominate Alabama State Bar members who demonstrate outstanding commitment to the profession and their communities. A committee of Fellows selects new members from the nominations received.

THE 2026 FELLOWS

Hon. Carvine L. Adams, Mobile

Hon. Samuel Adams, Montgomery

Hon. Tiffanie L. Agee, Birmingham

Shawn T. Alves, Daphne

L. Conrad Anderson IV, Homewood

S. Mark Andrews, Dothan

Gordon G. Armstrong III, Mobile

C. Mark Bain, Montgomery

Jeffrey R. Baker, Tuscaloosa

Will Barfoot, Montgomery

David L. Brown Jr., Birmingham

Tracy Cary, Birmingham

H. Warren Cobb Jr., Dothan

LaJuana S. Davis, Birmingham

Hon. J.R. Gaines, Montgomery

Tripp Haston, Birmingham

Sidney W. Jackson III, Mobile

Charles James, Montgomery

Hon. Samuel Junkin, Fayette

John W. Marsh, Montgomery

Hon. Harold D. Mooty III, Huntsville

William E. Pipkin Jr., Mobile

Hon. Philip Reich, Tuscaloosa

Brandy Robertson, Birmingham

Nicole Schroer, Huntsville

Thomas Siniard, Huntsville

Tommy Spina, Birmingham

Hon. J. Clark Stankoski, Bay Minette

Audrey Oswalt Strawbridge, Vernon

Erika Perrone Tatum, Montgomery

Spencer M. Taylor, Homewood

DEAN NAT HANSFORD
A Gentleman and a Scholar

By Mr. Harold Stephens, Mr. Pat Graves, and Dean William Brewbaker

"Just how high is a Georgia pine?" If ever there was a person who knew its exact measurement, the precise height was undoubtedly well known by Georgia's native son, Dean Nat Hansford. Vernon Nathaniel ("Nat") Hansford was born on October 16, 1943 as the youngest of Bradley Richard and Ernestine Stokely Hansford's three children. Nat grew up in Oglethorpe County, Georgia in the northeastern part of the state just south and east of Athens. His parents and rural Georgia upbringing ensured that he would be a gentleman; his years spent in Athens shaped him into a scholar. If ever there was a gentleman and a scholar, Nat Hansford was the ultimate example.

Hansford

During his childhood, Nat developed a love for history and education and was a proud graduate of Oglethorpe County High School. He obtained his college education in Athens at the University of Georgia. He received a bachelor's degree in 1965 and his law degree in 1968. His family loves to tell the story that Nat loved education so much that he never missed a class in college because, according to him, "he didn't know he could." While at the University of Georgia, Nat was a member of many academic organizations and honor societies including Phi Beta Kappa, ODK, Phi Kappa Phi and the Gridiron Society.

After law school, Nat clerked on the United States Court of Appeals for the Fifth Circuit for the Honorable Lewis R. Morgan. It was during this time that he met his wife, Frances Fincher. Nat and Frances married in September 1970 and began a love story they shared together for 54 years.

Following his judicial clerkship, Nat served in the United States Army where he was commissioned as a Captain in the Judge Advocate General's Corps (JAG). His three years of military duty included one year of military service in Korea. Nat would continue his military career in the Army Reserves for an additional twenty years ultimately obtaining the rank of Colonel.

Following his active military service, Nat practiced law from 1973 to 1975 in Dalton, Georgia with Mitchell, Mitchell, Coppedge and Boyette. But, the private practice of law was not his true calling.

In 1975, Nat and Frances left their beloved state of Georgia for him to accept a position on the faculty at the University of Alabama School of Law in Tuscaloosa. While Georgia would always be his home, Nat had now found his place in life as "Professor Hansford".

From 1975 until 1999, Professor Hansford shaped legal education in the state of Alabama. The stories from his classrooms could literally fill a multi-set treatise. The authors encouraged former students of Professor Hansford to share some memorable moments, and a sampling of those include the following:

> The city attorney for a large metropolitan area was sitting in Dean Hansford's Contracts II class in the spring of 1978. (For some who may not recall and others who will not admit having used them, "CaseNotes" were the CliffsNotes equivalent for law students back in the day. Thus, they were often relied upon by those who lacked the time or inclination to read the actual cases in the textbook.) During this particular class, Professor Hansford had not actually called upon this individual student. Indeed, Professor Hansford was engaged in dialogue with another student. However, this well-known city attorney (who we will simply refer to as "Mr. Smith") was intrigued by the legal analysis espoused by Professor Hansford. Simply out of the blue, Mr. Smith,

in one of the large lecture halls at the Alabama Law School, spoke up from his seat near the top row of the room and volunteered, "Professor Hansford, Professor 'CaseNotes' disagrees with you." An immediate silence spread across the lecture hall. Professor Hansford paused for a moment and then in his most charming Georgia drawl responded, "Mr. Smith, could you please see me after class?"

Kendall Maddox relates the following story from a Contracts I course taught by Dean Hansford in the fall of 1985. It was their Section's first class as law students. Everyone was nervous and had no idea what to expect. Tension filled the room as Professor Hansford began the discussion of a case which addressed the topic of "offer and acceptance". In this particular case, a witness described the defendant as a person who was "high as a Georgia pine". Professor Hansford called on Mr. Culpepper, a student he knew to be from Georgia, to brief the case beginning the discussion with this inquiry: "Mr. Culpepper, just how high is a Georgia pine?" The brilliant ice breaker by the well-mannered professor caused all the nervous first-year law students to break out in laughter, the tension melted away and thus began a wonderful relationship. Kendall so accurately describes Professor Hansford as "a wonderful teacher, Dean, and man."

In the fall of 1986, Brad Trammell, a member of the law school class of 1989, recalled being in Professor Hansford's Contracts I class. As Brad recalled, each day Professor Hansford would call on a student to brief the case or cases on that day moving on to another student the following day. At some random point during the semester, Brad's day arrived. He was called on and was well-prepared for the discussion that followed. Brad felt that he had done quite well – at least "I didn't embarrass myself", he added. Brad was so relieved because his day was over – or so he thought…until, the next day, when he was called on again by Professor Hansford. At first Brad relates that he was surprised and then rather upset. After stumbling through his recitation of that day's case, Professor Hansford somewhat apologized to him. In his soothing Georgia accent, Professor Hansford at the end of class observed, "Mr. Trammell, sometimes life is just not fair". Two years later, Brad walked across the stage at the law school graduation and received his diploma from none other than Professor Hansford who looked at him warmly and said, "Congratulations, Mr. Trammell. Sometimes life *can* be fair after all." Dean Hansford had a smile on his face and a twinkle in his eye, no doubt remembering the "life isn't always fair" lesson that he had taught Brad years before.

For some reason, many of the stories continued to crop up from Professor Hansford's contract classes. This story is shared by Chip Browder. Chip was in Dean Hansford's 8:00 a.m. contract class for his first year of law school in the fall of 1989. He recalled that on the first day of class, Professor Hansford explained that he took his job very seriously and that for any of them who did not feel the same way, it was his responsibility to "weed out" such folks. Professor Hansford stated that he did not want to be even indirectly responsible for any of the young law students that might one day go into court ill-prepared sitting next to a client who was depending upon them. Chip also recalled that Professor Hansford pointed out that he had arrived in class at 8:00 a.m. on the dot and closed the door at that time. He emphasized that he would be there on time every day prepared to teach them contract law. Also, he expected all of them to be on time, sitting in their chairs fully prepared for that day's lesson when he walked through the door each day.

Somewhere in the second or third week of that semester, one of Chip's fellow students breathlessly rushed into the classroom literally seconds ahead of Professor Hansford. He whispered to a fellow student that he had been a little late getting off to school that morning, and, of all mornings to have it happen, the local train was coming toward the crossing. The student explained, "I saw the train a-coming and said to myself, 'It's me or you, train, but I am not going to be the first one late to Professor Hansford's class!'" Intent on not being tardy, the student stepped on the gas unwilling to allow even a speeding locomotive to make him late for Contracts! Chip fondly recalls Professor Nat Hansford as a wonderful professor and mentor.

The stories about Professor Nat Hansford at the University of Alabama School of Law could go on for volumes. However, the editors of this publication have only allotted the authors a limited number of pages. Suffice it to say that hundreds of lawyers across the state of Alabama, the state of Georgia and around the country are far better lawyers today because they sat at the feet of Professor Nat Hansford. Indeed, in 1982, Professor Hansford was recognized by the University of Alabama National Alumni Association and presented with their "Outstanding Commitment to Teaching Award". In 1987, he was presented with the Outstanding Faculty Member Award from the Law School Student Bar Association. Those who were fortunate enough to have him as a teacher were always impressed by Professor Hansford's sharp intellect and invariably adored him for his kind and caring demeanor.

While serving as a professor at the University of Alabama School of Law, Dean Hansford devoted himself to educating and inspiring innumerable future lawyers during his service on the faculty from 1975 to 1999. He also obtained his LLM degree in 1980 from the University of Michigan School of Law. Professor Hansford also authored three books and numerous law review articles. Dean Hansford was named the Rose Professor of Law at the University of Alabama and also served as a visiting professor at the University of Georgia School of Law, the University of Fribourg in Switzerland and the United States Military Academy at West Point.

It was a great honor to be selected to teach at West Point. The Academy only chose one visiting law professor each year. For the 1997-98 school year, former JAG Officer Professor Nat Hansford was selected. He and his wife, Frances, lived in an apartment within walking distance of Trophy Point. It was particularly satisfying because their twin nephews were Yearlings (sophomores) in the class of 2000. Professor and Mrs. Hansford took a daily walk to overlook the Hudson following the footsteps of many of our country's great military leaders. They traveled and entertained family and friends on weekends visiting nearby historical sites and towns, frequenting George Washington's favorite places and traveling into the City for Broadway plays. Professor Hansford taught Constitutional Law at West Point to the Firsties (senior cadets). His Constitutional Law class was an early morning experience (perhaps an 8:00 a.m. class – ha, ha!). Mrs. Frances Hansford recalls that the cadets were required to get up and run early every morning. They would often arrive tired, but surely never late, for Professor Hansford's class. But, just to be sure they were paying attention, the cadets were often required by Professor Hansford to stand up each day around halfway through class just to be sure they were awake and alert. Mrs. Hansford recalls the time at West Point as a wonderful year of history and culture shared with friends and family (including their daughter, Mary Frances, and some friends of hers visiting for Spring Break and attending the Plebe Ball with dates arranged through her cadet cousins).

Hansford

From 1982 to 1986, Professor Hansford became Vice Dean of the Alabama Law School working with his close friend and colleague, Dean Charles Gamble. In 1986, Professor Hansford became Dean of the University of Alabama School of Law. Alabama's law school was fortunate to have Dean Hansford serve in this capacity from 1987 until 1993. These were outstanding years for the law school under Dean Hansford's leadership. Dean Hansford continued to teach at the University of Alabama School of Law until 1999.

In 1999, Dean Hansford became President Hansford. Dean Hansford left the University of Alabama to move back to his home state of Georgia where he accepted the role of President of The North Georgia College and State University (now known as the University of North Georgia), one of only six senior military colleges in the United States. President Hansford held this position until his retirement in 2005. Hansford Hall, named in honor of President Hansford and his wife, Frances Fincher Hansford, houses classes and faculty for the Department of Political Science, the Department of Criminal Justice and the Department of Visual Arts. President and Mrs. Hansford loved their years spent at North Georgia University. President Hansford was especially proud of the University's Corps of Cadets Boars Head Brigade.

President Hansford had many great interests in life, including especially education and history. He served as Chair of the Board of Trustees for the Georgia Trust for Historic Preservation and was later named as a Trustee Emeritus. He also served for several years on the Board of Historic Oglethorpe, a local historical society. His love of history also reflected a love of home, evidenced by the restoration of a family home on Church Street in Lexington, Georgia which was built in 1812. Additionally, he served on the Board of Directors of Synovus Bank for 30 years.

Of all his many loves in life, none exceeded his love of family. As his friend Dink Nesmith wrote in *The Oglethorpe Echo*, "All those accomplishments and accolades are noteworthy, but he (Hansford) made it known that the best thing that he ever did was to marry Frances Fincher. Together, they built a family life to be admired by all." Nat and Frances were often seen walking hand in hand wherever they lived, and both were members of and active in the Methodist churches in the towns where they resided throughout the years.

Nat and Frances were blessed with two children, Nathaniel (Nate) Fincher Hansford and Mary Frances Stokely Hansford (Kiffmeyer) and her husband, John. They also were proud grandparents of Frances and Hansi. Both Nate and Mary Frances were kind enough to share some personal insights about their father with the authors.

Nate recalls that during his freshman year at college, he found himself struggling as he adjusted to life away from home, a new school, keeping up with classes, playing on the tennis team and missing his hometown girlfriend. When he shared his struggles with his father, Dean Hansford gave his son the following advice: "Son, I can stand on my head for five minutes if I have to." Nate understood his father's words very well. What they conveyed was a simple but powerful truth – you don't give up on something just because a situation is uncomfortable or difficult. In Nate's words, he understood his father to encourage him: "You endure, you push through, and you come out stronger on the other side. That lesson has been a guiding force for me. My father instilled in me the value of perseverance and the belief that I should never sell myself short but instead strive to become the best version of myself. It is one of the many gifts he gave me, and it is a memory I will always carry with gratitude."

Dean Hansford's daughter, Mary Frances, notes that her dad shared many gems of advice with their family over the years. One of his favorite sayings was, "Ya dance with them that brung ya." She does not recall whether her father first heard these words from a student or a colleague, but they were words that stuck with him and words that he lived by. As she explained, "He was steadfastly loyal and devoted to his wife, his family and the generations who supported and shaped him. It is reflected in his love of American and southern history, as well as our family history. He often spoke with deep gratitude for those who had helped him along the way, never allowing pride or ego to overshadow his appreciation. Though he never would have said so himself, his life's work was about 'bringing them along'. Through his dedication to education, he shared his love of learning and quietly did what he believed was right." We sometimes hear the description of someone as being "a gentleman and a scholar". For those of us who had the wonderful privilege of knowing him, Dean Nat Hansford truly was a gentleman and a scholar. We all miss him deeply. ▲

Hon. John E. Amari
Trussville
Died: May 27, 2026
Admitted: May 3, 1974

James Knox Argo
Montgomery
Died: March 20, 2026
Admitted: Sept. 4, 1969

John Gibson Baylor, Jr.
Mobile
Died: Feb. 23, 2026
Admitted: Dec. 4, 1996

Charles Harry Brasher, Jr.
Huntsville
Died: April 6, 2026
Admitted: Sept. 26, 2003

Kathryn Lindsay Wade Bridges
Opelika
Died: July 6, 2025
Admitted: Sept. 25, 2009

Robert Fulton Clark
Pensacola, FL
Died: May 5, 2026
Admitted: Aug. 14, 1970

Walter Edmund Daniels, Jr.
Birmingham
Died: April 7, 2026
Admitted: March 25, 1970

Landon Michael Eley
Montgomery
Died: April 12, 2026
Admitted: April 30, 2014

Robert Eugene Gibney
Mobile
Died: Feb. 1, 2026
Admitted: Sept. 8, 1967

Dwight Milburn Gross, Jr.
Huntsville
Died: May 1, 2026
Admitted: Sept. 30, 1991

Richard Romea Henson
Arab
Died: April 28, 2026
Admitted: May 1, 1978

Joseph Wood Hutchinson, III
Charlotte, NC
Died: Feb. 24, 2026
Admitted: Sept. 23, 1983

Larry Paul Knopf
Birmingham
Died: April 30, 2026
Admitted: May 3, 1974

Mark Alan LeQuire
Mobile
Died: April 30, 2026
Admitted: Sept. 25, 2009

John Meighan Little
Fort Worth, TX
Died: Feb. 3, 2026
Admitted: Sept. 26, 1997

David Larkin Martin, III
Moulton
Died: Jan. 26, 2026
Admitted: Sept. 22, 1977

Michael Stephen McNair
Mobile
Died: March 18, 2026
Admitted: Apr. 28, 1978

James Ballard McNeill, Jr.
Selma
Died: Feb. 23, 2026
Admitted: Sept. 22, 1977

Roy Wesley Miller
Huntsville
Died: April 8, 2026
Admitted: Sept. 4, 1969

John Joseph Park, Jr.
Black Mountain, NC
Died: March 16, 2026
Admitted: April 25, 1986

Jerry Clarence Porch
Russellville
Died: Feb. 8, 2026
Admitted: Sept. 7, 1966

Alice Wilkerson Sarrett
Birmingham
Died: April 23, 2026
Admitted: Sept. 28, 1989

John Willard Sheffield
Pensacola, FL
Died: Feb. 19, 2026
Admitted: Sept. 25, 1992

Arnold Rankin Sneed
Huntsville
Died: Feb. 27, 2026
Admitted: April 23, 1973

Samuel Lee Stockman, Sr.
Mobile
Died: April 8, 2026
Admitted: Jan. 1, 1961

Jack Wilfred Wallace, Jr.
Montgomery
Died: May 14, 2026
Admitted: Sept. 26, 1980

NOTICE

DISCIPLINARY PROCEEDINGS

- **Paul Ricky Kornis**, who practiced law in Orange Beach and whose whereabouts are unknown and who has otherwise failed to respond to requests sent to the contact information he provided to the Alabama State Bar, 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. 2025-498.

–Disciplinary Board, Alabama State Bar

REINSTATEMENTS

- **James Marion Wooten** of Birmingham, was reinstated to the active practice of law in the State of Alabama by order of the Supreme Court of Alabama, effective December 4, 2025. Wooten filed a petition for reinstatement to the active practice of law in the State of Alabama on May 15, 2025, and was subsequently reinstated by order of the Supreme Court of Alabama. [Rule 28, Pet. No. 2025-470]

- **Mart Wayne Marler** of Elba, was reinstated to the active practice of law in the State of Alabama by order of the Supreme Court of Alabama, effective February 11, 2026. Marler filed a petition for reinstatement to the active practice of law in the State of Alabama on July 31, 2025, and was subsequently reinstated by order of the Supreme Court of Alabama. [Rule 28, Pet. No. 2025-747]

TRANSFER TO INACTIVE STATUS

- Huntsville attorney **Bruce Alan Gardner** was transferred to Inactive Status, effective February 10, 2026, by Order of the Supreme Court of Alabama. The Supreme Court entered its Order based upon the February 10, 2026, Order of Panel III of the Disciplinary Board of the Alabama State Bar in response to a request submitted to the Office of General Counsel requesting he be transferred to inactive status. [Rule 27(b), Pet. No. 2026-150]

SURRENDER OF LICENSE

- On April 2, 2026, the Supreme Court of Alabama issued an order accepting the voluntary surrender of **Stuart Edwin Smith's** license to practice law in the State of Alabama, with an effective date of March 17, 2026. [Rule 22, Pet No. 2026-264 and ASB No. 2023-516]

DISBARMENTS

- Florence attorney **Gilbert Porterfield Self** was disbarred from the practice of law in the State of Alabama by Order of the Supreme Court of Alabama, effective February 11, 2026. The Supreme Court entered its order based upon the December 30, 2025, Order of Panel III of the Disciplinary Board of the Alabama State Bar, accepting Self's Consent to Disbarment following his criminal convictions in State of Alabama v. Self, trial court case number 41-CC-2024-000015.00. [Pet No. 2025-1392]

- Montgomery attorney **Sarita Tyienne Atkins** was disbarred from the practice of law in the State of Alabama by order of the Supreme Court of Alabama, effective January 23, 2026. Atkins was found guilty of violating Rules 1.5(a) [Fees], 1.15 [Safekeeping Property], 5.3 [Responsibilities Regarding Nonlawyer Assistants], 7.2(c) [Advertising], and 8.4(a), (c), and (g) [Misconduct], Alabama Rules of Professional Conduct. Atkins and her non-lawyer spouse and employee, Robert Atkins, improperly attempted to obtain $425,000.00 in additional legal fees from a quadriplegic personal injury client through fraudulent means. [ASB No. 2021-919]

- Shannon attorney **Martin Evan Weinberg** was disbarred from the practice of law in the State of Alabama by order of the Supreme Court of Alabama, effective February 18, 2026. The Supreme Court entered its order based on the Disciplinary Board's order accepting Weinberg's Consent to Disbarment, which was based upon allegations Weinberg mishandled and/or misappropriated client and/or third-party funds. [Rule 23, Pet. No. 2026-100 and 2025-485]

SUSPENSIONS

- Pell City attorney **William Allen McWhorter** 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 December 18, 2025. The order was based on McWhorter's Conditional Guilty Plea wherein McWhorter admitted to violating Rules 1.15 [Safekeeping Property], and 8.4(c) and (g) [Misconduct], Alabama Rules of Professional Conduct. In ASB No. 2024-1371, McWhorter represented a client that obtained a fraudulent loan from a third-party. The third-party stole the funds from a law firm in Georgia. McWhorter deposited the funds into his trust account and disbursed the funds to himself and the client. In ASB No. 2025-253, McWhorter falsely informed an insurer that he was holding $30 million dollars in trust on behalf of clients attempting to obtain a $100 million insurance policy. [ASB Nos. 2024-1371 and 2025-253]

- Irvine, California attorney **Joseph Blake Fellows**, 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 ninety-one (91) days, effective December 30, 2025. On or about July 19, 2024, the United States Court of Federal Claims issued a final order indefinitely suspending Fellows for failing to respond to a Show Cause Order, missing deadlines, being unresponsive to the court, and providing false or misleading information. On November 12, 2025, the Disciplinary Board of the Alabama State Bar issued an Order imposing reciprocal discipline of a ninety-one (91) day suspension on Fellows. [Rule 25(a); Pet. No. 2025-571 and ASB No. 2025-291]

- Cullman attorney **Sara Thomason Baker** was interimly suspended from the practice of law pursuant to Rule 20, Alabama Rules of Disciplinary Procedure, effective December 4, 2025. The Supreme Court entered its order based upon the Disciplinary Commission's order that Baker be interimly suspended. Baker consented to the interim suspension. [Rule 20(a), Pet. No. 2025-1312]

- Birmingham attorney **Ashlee Goodman Taylor** was suspended from the practice of law in the State of Alabama by the Supreme Court of Alabama for a period of ninety (90) days, effective January 30, 2026. The order was based on Taylor's Conditional Guilty Plea wherein Taylor admitted to violating Rules 1.7 [Conflict of Interest: General Rule], 3.4 [Fairness to Opposing Party and Counsel], and 8.4(c), (d) and (g) [Misconduct], Alabama Rules of Professional Conduct. On September 28, 2024, an individual was shot and killed. An investigation by the Birmingham Police Department later determined that the shooter acted in self-defense after the other individual fired a gun at him. During the investigation of the matter, the Birmingham Police Department interviewed the deceased's step-father, who was driving the deceased when the deceased confronted the shooter. During the interview, Taylor appeared, introduced herself as an attorney, and undertook to advise the step-father during the interview. While the investigating detectives were out of the room, Taylor advised the step-father to withhold certain information and to delete specific information off social media. [ASB No. 2025-493]

- Mobile attorney **Willie Julius Huntley, Jr.**, was summarily suspended from the practice of law in the State of Alabama by the Supreme Court of Alabama, effective January 5, 2026, pursuant to Rule 20(a), Alabama Rules of Disciplinary Procedure. The Supreme Court notated the summary suspension based upon the Order of the Alabama State Bar Disciplinary Commission summarily suspending Huntley for failing to respond to requests for information and failing to act as so directed regarding client funds held in trust in a pending disciplinary matter. [Rule 20(a), Pet. No. 2026-001]

- Opelika attorney **Zachary DeWitt Alsobrook** was suspended from the practice of law in the State of Alabama for ninety-one (91) days, effective January 23, 2026. However, the suspension was held in abeyance and Alsobrook was placed on a two-year term of probation pursuant to Rule 8(h), Alabama Rules of Disciplinary Procedure. The Disciplinary Commission's Order was based on Alsobrook's Conditional Guilty Plea wherein Alsobrook admitted to violating Rules 1.1 [Competence], 1.3 [Diligence], 1.4 [Communication], and 8.4(d) and (g) [Misconduct], Alabama Rules of Professional Conduct. In ASB Nos. 2023-1713, 2023-1760, and 2024-1297, Alsobrook failed to timely and/or properly file appeals on behalf of his clients, resulting in the matters being dismissed by the court. [ASB Nos. 2023-1713, 2023-1760, and 2024-1297]

- Vestavia attorney **James Vercell Seal** was summarily suspended pursuant to Rule 20, Alabama Rules of Disciplinary Procedure, from the practice of law in the State of Alabama by the Supreme Court of Alabama, effective January 30, 2026. The Supreme Court entered its order based upon the Disciplinary Commission's order that Seal be summarily suspended for failing to pay disciplinary costs despite multiple requests and opportunities to do so. [Rule 20(a), Pet. No. 2026-112]

- Florence attorney **Curtis Ray Hussey** 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 March 4, 2026. The order was based on Hussey's Conditional Guilty Plea wherein Hussey admitted to violating Rules 1.1 [Competence], 1.2 [Scope of Representation], 5.4(b) [Professional Independence of a Lawyer, and 5.5 [Unauthorized Practice of Law], Alabama Rules of Professional Conduct. On or about May 14, 2025, the United States Patent and Trademark Office issued a final order accepting Hussey's resignation while under investigation and excluded him from practicing before the United States Patent and Trademark Office. Hussey consented to being excluded from appearing before the Patent and Trademark Office based on allegations that he was allowing a foreign, non-attorney to prepare, approve, and file trademark applications without his input, oversight, or supervision, including allowing others to enter his electronic signature on trademark applications and other trademark documents. Under the USPTO rules and regulations, trademark applications filed by foreign domiciled applicants must be prepared, signed and submitted by U.S. license attorneys. Hussey was found to have authorized non-lawyers and/or a non-lawyer owned foreign corporation to prepare, approve, and file trademark applications without his input, oversight or supervision. In exchange for a fee, Hussey allowed non-lawyers to prepare and sign his name to trademark applications and documents on behalf of foreign applicants without reviewing those documents. [ASB No. 2026-002 and Rule 25(a), Pet. No. 2025-497]

- Birmingham attorney **Louis James Willie, III** was suspended from the practice of law in the State of Alabama by the Supreme Court of Alabama for a period of forty-five (45) days, effective March 18, 2026. The order was based on Willie's Conditional Guilty Plea wherein Willie admitted to violating Rules 1.3 [Diligence], 1.4 [Communication], 1.15 [Safekeeping Property], 1.16 [Declining and Terminating Representation], and 8.4(d) and (g) [Misconduct], Alabama Rules of Professional Conduct. Additionally, the Disciplinary Commission also ordered that Willie complete the Practice Management Assistance Program. In ASB No. 2025-544, a client retained Willie on October 25, 2022, to represent him on a breach of a real estate contract. The client paid Willie a $3,000 retainer that same day. On November 2, 2022, in response to the client's email requesting a status update, Willie informed him that the civil complaint would be ready to file by November 4, 2022. The client did not hear from Willie again for ten months despite his efforts to contact Willie via email and telephone. In response to the complaint, Willie stated that his office computer crashed, and he had been unable to restore his client files. Willie was ordered to refund the $3,000 fee to the client. [ASB No. 2025-544]

- Birmingham attorney **Rommie Glen Wheeler, Jr.**, was suspended from the practice of law in the State of Alabama for a period of ninety-one (91) days, to be held in abeyance for two years, by Order of the Supreme Court of Alabama, effective February 11, 2026. For the duration of the probation, Wheeler shall meet all terms and obligations detailed in the Wheeler's Conditional Guilty Plea and the Order of the Disciplinary Commission accepting the plea, including but not limited to paying $50,000.00, restitution to the client. In ASB 2024-1235; paying $1,000.00, restitution to the client in ASB 2025-076; submitting quarterly reports to the Office of General Counsel; completion of the Practice Management Assistance Program; completing anger management; and, obtaining CLE courses as prescribed by the Office of General Counsel. In reaching the Conditional Guilty Plea entered by Wheeler, several mitigating factors were taken into consideration and Wheeler expressed a willingness to make necessary adjustments to his practice to avoid such ethical violations henceforth. In ASB No. 2024-1235, Wheeler entered a plea of guilty to violations of Rules 1.3 [Diligence], 1.4 [Communication], 1.8(h) [Conflict of Interest – Prohibited Transactions], 3.2 [Expediting Litigation], 8.4(a) [Misconduct], (d) [Misconduct] and 8.4(g) [Misconduct], Alabama Rules of Professional Conduct. Wheeler was engaged to represent a client in a personal injury case regarding a motor vehicle accident. Wheeler filed suit in Alabama that was voluntarily dismissed for improper venue. Wheeler failed to timely file suit in the proper venue. On the date the statute of limitations expired, Wheeler reached settlement with the insurance company, but failed to confirm the settlement in writing and/or failed to file suit to preserve the statute of limitations. Wheeler failed to timely inform the client of the missed statute of limitations. Upon eventually notifying the client, Wheeler sought to pay the client in exchange for the client's release of claims against Wheeler. In ASB 2025-076, Wheeler entered a plea of guilty to violations of Rules 1.1 [Competence], 1.3 [Diligence], 8.4(d) [Misconduct], and 8.4(g) [Misconduct], Alabama Rules of Professional Conduct. Wheeler represented a client in a dispute with the client's brother regarding dissolution of a business. Wheeler failed to timely file documents in accordance with the Court's scheduling order, the Court excluded the client's witnesses, exhibits and itemization of damages. The scheduling order ordered documents to be filed within 28 days of the trial date. All other judges in that Circuit order filings to be made within 21 days of the trial date. Wheeler failed to review the judges' scheduling order and filed the documents within 21 days of the trial date, not 28 days as was ordered. It is unlikely the client would have prevailed on the merits even if the witnesses were allowed to testify and evidence admitted. During the pendency of the matter, Wheeler negotiated several reasonable settlements during mediation, but the client refused to accept any reasonable settlement. Wheeler paid the entire costs of mediation, without reimbursement from the client. In ASB 2025-131, Wheeler entered a plea of guilty to violations of Rules 8.4(d) [Misconduct] and 8.4(g) [Misconduct], Alabama Rules of Professional Conduct. In a child support review hearing before a Referee, Wheeler engaged in a verbal altercation with the opposing party. Wheeler displayed actions indicative of wanting to engage in a physical altercation with the opposing party. Counsel for the opposing party deescalated the altercation before it turned physical and on January 24, 2025, Wheeler wrote a letter of apology to counsel for the opposing party. [ASB 2024-1235; ASB 2025-076; ASB 2025-131]

- Montgomery attorney **William Clay Teague** 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 April 7, 2026. The order was based on Teague's violation of the terms and conditions of his Conditional Guilty Plea, which was accepted by the Disciplinary Commission on December 17, 2024. The Disciplinary Commission's Order of December 17, 2024, advised Teague that if he violated any terms of his probation, his probation would be revoked, and he shall be immediately suspended from the practice of law for ninety-one (91) days. The Disciplinary Commission found that Teague violated the terms of his probation and Rules 8.4(b), (c) and (g) [Misconduct], Alabama Rules of Professional Conduct. [ASB No. 2024-1298]

- Birmingham attorney **Brion Dejon Russell** was suspended from the practice of law in the State of Alabama for ninety-one (91) days, effective April 22, 2026. However, the suspension was held in abeyance and Russell was placed on a two-year term of probation pursuant to Rule 8(h), Alabama Rules of Disciplinary Procedure. The Disciplinary Commission's Order was based on Russell's Conditional Guilty Plea wherein Russell admitted to violating Rules 1.15 [Safekeeping Property], 4.1(a) [Truthfulness in Statements to Others], and 8.4(g) [Misconduct], Alabama Rules of Professional Conduct. In ASB No. 2025-644, Russell failed to pay a lien regarding a personal injury claim that occurred in 2024. Additionally, Russell failed to use his IOLTA account, did not maintain a general ledger, did not deposit the settlement funds into trust, and used his own personal funds to subsequently satisfy the lien. [ASB No. 2025-644]

PUBLIC REPRIMANDS

- Gulf Shores attorney **Michael Leonides Santos**, was issued a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar on January 30, 2026, for violating Rules 1.4 [Communication], 1.16 [Declining or Terminating Representation], and 8.4(d) and (g) [Misconduct], Alabama Rules of Professional Conduct. Martina Troche-Raya hired Santos to represent her and her mother on asylum claims while in immigration removal proceedings. In September 2022, Troche-Raya and her mother paid $3,500 of an $8,000 flat fee. Troche-Raya alleged that Santos failed to appear at an immigration court hearing in December 2023. Troche-Raya was subsequently issued a removal order by the immigration court in February 2024. Santos stated that he appeared on the complainant's behalf on October 31, 2023, at a Master

Calendar Hearing before immigration Judge Ouslander. During the hearing, Santos waived the client's presence, and the case was set for an individual merits hearing on February 6, 2024. After the hearing, Santos was incarcerated for four months at the Montgomery Federal Prison Camp after he pled guilty on April 25, 2023, to a violation of Title 18, United States Code, Section 1791(a)(1), Providing Prison Contraband, a misdemeanor. Santos asserted he was unable to inform Troche-Raya and other clients about his incarceration. As a result of his incarceration and failure to appear at the February 6 hearing, Troche-Raya was ordered to be removed from the country. Santos was subsequently suspended from the practice of law in the State of Alabama for five years, effective February 9, 2024. [ASB No. 2024-1027]

- Gulf Shores attorney **Michael Leonides Santos**, was issued a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar on January 30, 2026, for violating Rules 1.1 [Competence], 1.3 [Diligence], 1.4 [Communication], and 8.4(d) and (g) [Misconduct], Alabama Rules of Professional Conduct. Marco Carranza-Funez hired Santos to represent him in submitting an asylum claim while in removal proceedings. Carranza-Funez paid a $3,500 flat fee and Santos's firm entered a notice of appearance. On January 20, 2023, Santos filed a Form I-589 application but failed to supply all of the necessary information or support Carranza-Funez's claim for asylum. That same day, another member of Santos's firm appeared on behalf of the client at a Master Calendar Hearing before Immigration Judge Margaret Kolbe. Judge Kolbe ordered Carranza-Funez to submit a complete statement in support of his asylum claim and set another hearing for March 31, 2023. On March 23, 2023, Judge Kolbe issued a removal order based on the failure to submit the statement. In response, Santos's firm filed a motion to reopen/vacate and another I-589 application. However, the motion was denied. In denying the motion, Judge Kolbe noted that the new I-589 application was allegedly signed by the client a year prior and contained even less information than the original application. In addition, Judge Kolbe noted that the application purported to represent the client on "securing employment authorization" but noted that the current proceedings were "removal proceedings" and not citizenship and immigration services. [ASB No. 2024-1028]

- Moulton attorney **Richard Derek Proctor**, was issued a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar on January 30, 2026, for violating Rules 1.1 [Competence], 1.3 [Diligence], 1.4 [Communication], and 8.4(d) and

(g) [Misconduct], Alabama Rules of Professional Conduct. Proctor's client was involved in a car accident on November 25, 2020. She subsequently hired Proctor to represent her in a personal injury lawsuit. Proctor filed suit on her behalf on November 25, 2022, two (2) years to the date of the accident. On February 27, 2023, the defendant filed a motion to compel after Proctor failed to respond to outstanding discovery requests. On March 6, 2023, the court ordered Proctor to respond to the discovery requests within twenty-one (21) days. On January 24, 2024, the defendant filed a second motion to compel after Proctor and the client failed to appear for a deposition. The court subsequently ordered the client to sit for a deposition within sixty (60) days. Counsel for the defendant attempted to contact Proctor on numerous occasions to schedule the deposition. After Proctor failed to respond, counsel for the defendant issued a subpoena and notice of deposition set for April 9, 2024. Proctor never responded and did not appear for the deposition. The client later stated that she was unaware of the deposition notice. After Proctor and the client failed to appear for the deposition, counsel for the defendant moved to dismiss the case with prejudice. On April 29, 2024, the court ordered Proctor to submit a brief as to why the case should not be dismissed within ten (10) days. Proctor did not file a response or submit any other pleading on behalf of his client. On July 23, 2024, the court granted the motion and dismissed the case with prejudice. [ASB No. 2024-1338]

- Valley attorney **Roland Lewis Sledge** was issued a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar on May 1, 2026, for violating Rules 1.3 [Diligence], 1.4 [Communication], 8.1 [Bar Admission and Disciplinary Matters], and 8.4 [Misconduct], Alabama Rules of Professional Conduct. Sledge was appointed to represent a client in a post-conviction Rule 32 Petition matter. The client stated Sledge failed to communicate with him regarding his case. The client filed a complaint with the Office of General Counsel on July 8, 2020. Sledge failed or refused to respond to the Office of General Counsel's inquiries. The Disciplinary Commission of the Alabama State Bar determined that formal charges be filed against Sledge. When Sledge failed to respond to those charges, the Disciplinary Board of the Alabama State Bar accepted those charges as admitted and set the matter for a hearing to determine discipline. Sledge agreed to a conditional guilty plea accepting a Public Reprimand with General Publication to resolve the matter. [ASB No. 2020-729]

- Montgomery attorney **Walter James, III**, was issued a Public Reprimand with General Publication by the Disciplinary Commission of the Alabama State Bar on May 1, 2026, for violating Rules 8.4(d) and (g) [Misconduct], Alabama Rules of Professional Conduct. James was disbarred from the practice of law on March 17, 2020, for misappropriating funds while employed as an assistant principal for Jefferson Davis High School. On March 10, 2025, a complaint was filed against James alleging that he was attempting to represent a woman in eviction proceedings. In or about October 2024, James founded the "Civil Rights and Criminal Justice Reform Advocates," a non-profit corporation registered in the State of Alabama. James is the sole employee of the organization. On January 28, 2025, James sent a letter to an apartment complex, and its attorney, on behalf of a tenant that had a lease dispute. The letter was issued on the letterhead of the "Civil Rights and Criminal Justice Reform Advocates." In the letter, James stated that the tenant had requested his organization to advocate on her behalf. James further responded to the apartment complex by citing various legal statutes, including the Alabama Landlord-Tenant Law. In the letter, James included that "[a]ny further efforts to remove the tenant without cause will be met with legal action." James made a claim on behalf of the tenant for damages under Ala. Code Section 35-9A-204. James relayed to the apartment complex's attorney that any further communications regarding the matter should be directed to his organization. Despite these communications on behalf of the tenant, James acknowledged that he was not an attorney. James also acknowledged that he cannot use a non-profit organization to engage in any activity related to the profession of law; the settlement of legal disputes; or the advising of third-parties as to their legal rights. [ASB No. 2025-239]

ABOUT MEMBERS, AMONG FIRMS

Please email announcements to 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.*

- **Baker Donelson** is pleased to announce that **Robert Baxley** has joined the Birmingham office as a shareholder in the firm's Commercial Litigation Group.
- **Bradley Arant Boult Cummings LLP** has added **Scott S. Frederick** as a partner in the firm's Birmingham office.
- **Christian & Small LLP** is pleased to announce that **Jeremy P. Taylor** has joined the firm's Mobile office as a partner.
- **Clark May Price** has elevated attorney **Justin H. Nolen** to the firm's partnership.
- **Dean & Barrett** announces that **Jason D. Bruner** recently joined the firm as an associate.
- **Dominick Feld Hyde, P.C.** is pleased to announce that **H.H. "Chip" Nation** has joined the firm as a shareholder in the Trusts & Estates Practice Group, and **Elizabeth "Betty" Holt** has joined the Trusts & Estates Practice Group as an associate.
- **Graham Neal Seal & Bell** is pleased to share that **Sarah Beth Sanders** has joined the firm as a partner.
- **Heninger Garrison Davis, LLC** has welcomed **Chris Joseph** to its Birmingham office as a personal injury attorney.
- **Hill Hill Carter** is pleased to announce that **Yurie Bae** and **Chase S. Eley** have joined the firm as shareholders and **Jon N. Christian** has joined the firm as of counsel.
- **Hinton & Associates** is pleased to announce that **Stacy Bellinger** has joined the firm.

- **Huie, Fernambucq & Stewart, LLP** is pleased to announce that **Maggie Waldrop** has joined the firm as an associate attorney.

- **Johnstone Adams LLC** is pleased to announce that **Mark E. Harris** is now a member of the firm.

- **Ogletree Deakins** is pleased to announce that **Scott Kelly**, a shareholder in the firm's Birmingham office, has been named co-chair of the firm's Pay Equity Practice Group.

- **Pino Law Firm, P.C.** is pleased to announce that **Tanisha Mason** is now an associate with the firm.

- **Robert L. Martin** has been appointed a United States immigration judge and is assigned to the Dallas Immigration Court.

- **Samford & Denson** has welcomed **Mac Casey** and **Carolyn Jolly** as associates.

- **Stone Crosby, P.C.** is pleased to announce that **Jason S. McCormick** has joined the firm's Daphne office as a shareholder.

- **The Rose Law Firm LLC** is pleased to announce the promotion of **L. Kat Rogers** to senior associate attorney.

- **Webster, Henry, Cohan, Speagle, DeShazo & Bankston, P.C.** is pleased to announce that **Keeton Cross** has joined the firm's Birmingham office as an associate.

FAMOUS POEMS REWRITTEN FOR AND ABOUT THE LEGAL PROFESSION

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W.H. AUDEN

The Composer

All the others translate, the painter sketches
A visible world to love or reject;
Rummaging into his living, the poet fetches
The images out that hurt and connect.

From Life to Art by painstaking adaption,
Relying on us to cover the rift;
Only your notes are pure contraption,
Only your song is an absolute gift.

Pour out your presence, O delight, cascading
The falls of the knee and the weirs of the spine,
Our climate of silence and doubt invading;

You alone, alone, O imaginary song
Are unable to say an existence is wrong,
And pour out your forgiveness like a wine.

THE LAWYER REWRITE

The Appellate Brief Writer

After others litigate, the brief writer sketches
A plausible way to affirm or reject;
Rummaging through the record, the writer fetches
The facts out that help us connect.

From transcript to brief by painstaking adaption,
Relying on you to cover the rift;
What you produce is pure contraption:
What a remarkable appellate gift!

You pour out our case just right, cascading
The fall of the plaintiff, his injured spine,
The malpractice subsequently invading;

You weave your magic in what becomes a song,
To keep the higher court from ruling wrong
As they imbibe your words like a fine wine.

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