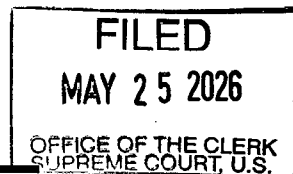


ORIGINAL

No. 25-1344



In the Supreme Court of the United States

JERRY M. BLEVINS,

Petitioner,

v.

ALABAMA STATE BAR ASSOCIATION,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF ALABAMA

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Whether the Alabama Supreme Court's interpretation of § 34-3-62, *Code of Alabama* (1975), and application of its interpretation to Petitioner's case, was violative of Petitioner's procedural due process rights under the Fourteenth Amendment to the U.S. Constitution.

PARTIES TO THE PROCEEDINGS

Petitioner, and defendant-appellant below is Jerry M. Blevins.

Respondent, and plaintiff-appellee below is the Alabama State Bar.

RELATED PROCEEDINGS

Disciplinary Board of the Alabama State Bar:

In the Matter of Jerry Michael Blevins, No. 2017-927 (Jan. 22, 2024) (Order and Rulings)

In the Matter of Jerry Michael Blevins, No. 2017-927 (Sep. 6, 2024) (Report and Order)

Supreme Court of Alabama:

In the Matter of Jerry Michael Blevins, No. SC-2024-0693 (Dec. 19, 2025) (disciplinary board affirmed)

In the Matter of Jerry Michael Blevins, No. SC-2024-0693 (Feb. 27, 2026) (judgment issued)

United States District Court (MDAL):

Jerry M. Blevins v. Sarah Stewart, William B. Sellers, Will Parker, Greg Shaw, Tommy Bryan, Brady E. Mendheim, Jr., Chris Cool, Alabama State Bar Association, Roman Shaul, Mark Moody, Aldos Vance, Terri Bozeman Lovell, No. 2:26-cv-00133 (pending)

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The Supreme Court of Alabama's opinion is reproduced in the Appendix at App. 1-29. The Disciplinary Board of the Alabama State Bar's decisions are reproduced in the Appendix at App. 30-46.

JURISDICTION

The Supreme Court of Alabama's decision was entered on December 19, 2026. The Supreme Court of Alabama denied rehearing on February 27, 2026. This Court has jurisdiction under 28 U. S. C. § 1257(a).

CONSTITUTION AND STATUTORY PROVISIONS INVOLVED

Section 1 of the Fourteenth Amendment to the U.S. Constitution provides in pertinent part

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States ; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U. S. Const., Amdt. XIV, § 1 (reproduced at App. 54-55).

Section 34-3-62, *Code of Alabama* (1975), entitled Procedure When Amount of Compensation Disputed, reads

Whenever any disagreement or controversy arises between an attorney-at-law and any other person respecting the

amount of the compensation to which he or she is entitled by contract or otherwise and his or her retention of the same out of any funds in his or her hands, such attorney may by motion in the circuit court or court of like jurisdiction, of the county of his or her residence, of which such other person shall have notice, obtain an order of the court that a certain amount is due under such contract or would be reasonable compensation for his or her services; and, when such motion is made and order obtained, such attorney shall not be subject to prosecution, suspension, or removal under this chapter or other penalty therefor; but nothing herein contained shall affect or destroy any civil action to which any person would be entitled against such attorney respecting the same, or any criminal prosecution to which the accused would be otherwise liable.

App. 56-57.

STATEMENT OF THE CASE

A. Facts

In 2017, a fee dispute arose between Petitioner and his client. App. 2. Both Petitioner and the client filed declaratory judgment actions with the circuit court concerning the fee dispute, with Petitioner expressly doing so pursuant to § 34-3-62, *Code of Alabama* (1975). App. 3. The circuit court entered a final

judgment concerning the fee dispute on September 5, 2018. App. 3–4.

On March 9, 2022, the Bar filed charges against Petitioner regarding the fee dispute. App. 4. On August 7, 2023, Petitioner moved for dismissal due to lack of jurisdiction pursuant to the mandates of § 34-3-62, *Code of Alabama* (1975) (§ 34-3-62). App. 49–53. On January 22, 2024, the motion was denied. (App. 35 to 36, 38).¹

On September 6, 2024, the disciplinary proceeding concluded with Petitioner being found guilty of failure to communicate and charging an excessive fee and receiving a public reprimand and suspension of his law license for a period of six months. App. 39–46.

Petitioner appealed to the Supreme Court of Alabama arguing in-part that because Petitioner acted in reliance on, and pursuant to, the mandates of § 34-3-62 in bringing the fee dispute before the circuit court for resolution, imposition of discipline violated the due process clause of the Fourteenth Amendment. App. 11–12.

On December 19, 2025, the Supreme Court of Alabama held that § 34-3-62 only applied to retention of the disputed funds and affirmed the Disciplinary Board's judgment. App. 9–12, 29. On February 27, 2026, the Supreme Court of Alabama denied Petitioner's application for rehearing. App. 47 to 48.

B. First Instance When Federal Question Raised

On February 17, 2025, in response to the Bar's arguments in its appeal brief to the Supreme Court of

¹ The Order is erroneously dated January 22, 2023.

Alabama concerning the enforceability of § 34-3-62, Petitioner argued in his reply brief that even if the statute was not enforceable as suggested by the Bar, because Petitioner acted in reliance on, and pursuant to, the mandates of § 34-3-62 in bringing the fee dispute before the circuit court for resolution, imposition of discipline would violate the due process clause of the Fourteenth Amendment. App. 11–12.

On December 19, 2025, the Supreme Court of Alabama rejected this argument holding in part

... (Petitioner) did not rely on any caselaw regarding § 34-3-62 that would have led him to reasonably believe that, if the circuit court resolved the fee dispute, he would have blanket immunity from any and all charges brought against him by the Bar...

App. 11 to 12.

REASONS FOR GRANTING THE PETITION

Petitioner contends the Alabama Supreme Court's interpretation of § 34-3-62,² *i.e.*, that it only applies to retention of the disputed funds, and application of its interpretation to Petitioner's case, was violative of Petitioner's procedural rights to due process pursuant to this Court's holding in *Marks v. United States*, 430 U. S. 188 (1977), in which this Court held in-part:

The *ex post facto* principle applies to any activity in which a person engages with a reason to believe that it does not give

² Neither the Bar or Petitioner argued on appeal that § 34-3-62 was vague, ambiguous, or needed to be interpreted.

rise to a particular penalty. This additional protection comes not from the ex post facto constitutional prohibition itself but from the due process clause of the Fifth amendment, which incorporates the same concept for judicial interpretations and holds that they rise to the level of a guaranty...

Notably, in *Brooks v. Alabama State Bar*, 574 So. 2d 33 (Ala. 1990), the Supreme Court of Alabama applied this Court's holding in *Marks* as the basis for reversing the imposition of discipline against Brooks as violative of her due process rights.³

In *Brooks*, a chief assistant district attorney appealed a private reprimand given to her by the Disciplinary Commission, for violating certain rules in making an extra-judicial statement to a television reporter concerning a pending criminal case that she was prosecuting. On appeal, Brooks argued that because she had reason to believe her conduct was not governed by the Code of Professional Responsibility based on language in prior Supreme Court opinions dealing with the rules governing the conduct of attorneys, due process prohibited the imposition of discipline on her under the Code.

In analyzing the issue raised by Brooks, the Alabama Supreme Court noted that "[d]ue process of law requires fair notice that one's conduct is subject to law or regulation." In reliance on this Court's holding in *Marks*, the Supreme Court of Alabama determined that because "Ms. Brooks had reason to believe that

³ Notably, Brooks was represented by the Bar's counsel's former law firm.

her conduct was not governed by the Code of Professional Responsibility at the time she made the statement, due process prohibits the imposition of discipline on her under the Code." On this basis, the Supreme Court of Alabama reversed the judgment and remanded the case for entry of an order setting aside the reprimand.

Similarly, in the present matter Petitioner acted in reliance on, and pursuant to, the mandates of § 34-3-62 in bringing the fee dispute before the circuit court for resolution and had reason to believe the fee dispute could not be the subject to discipline pursuant to § 34-3-62. As in *Brooks*, due process prohibited the imposition of discipline. The statute alone establishes this without the necessity of citing any other caselaw, as suggested by the Supreme Court of Alabama.

On the basis of this Court's holding in *Marks*, as recognized by the Supreme Court of Alabama in *Brooks*, the due process clause of the U.S. Constitution prohibited the imposition of discipline on Petitioner related to the fee dispute.

CONCLUSION

This Court should grant certiorari.

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MAY 2026