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ADVISORY OPINION NO. 2025-06

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Former Public Employee / Revolving Door

The "Revolving Door" provisions of the Ethics Act do not prohibit a former employee of the Alabama Department of Human Resources and current part-time administrative law judge for ADHR from representing foster parents in adoption proceedings with ADHR's consent in cases where she did not appear or participate as counsel or as an administrative law judge.

This opinion extends only to the restrictions of the Ethics Act and may not be relied upon by anyone other than the requestor as whether the "Revolving Door" provisions would prohibit similar activity must be evaluated on a case-by-case basis.

Dear Ms. Dobbs:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion of this Commission, and this opinion is issued pursuant to that request.

FACTS

Kimberly Dobbs previously served as an attorney for the Alabama Department of Human Resources (ADHR). She retired on July 1, 2025. She is licensed to practice law and has returned to private practice. She is also employed as a part-time administrative law judge for ADHR on an as-needed basis. She does not represent ADHR.

ADHR receives permanent custody of foster children whose parents' parental rights have been terminated. Once termination occurs, the children are often adopted by foster parents with the consent of ADHR as the custodial agency. During her 17 years with ADHR, Dobbs represented ADHR at the trial court and appellate levels in dependency and termination cases.

QUESTION PRESENTED

Do the "Revolving Door" provisions of the Ethics Act prohibit a former employee of the Alabama Department of Human Resources and current part-time administrative law judge for ADHR from representing foster parents in adoption proceedings with ADHR's consent in cases where the employee did not appear or participate as counsel or as an administrative law judge.

ANALYSIS

The "Revolving Door" provisions of the Ethics Act prohibit former public employees from engaging in certain activities for a period of two years after they leave their public position. Ala. Code § 36-25-13:

(c) No public employee shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, or department, of which he or she is a former employee or worked pursuant to an arrangement such as a consulting agreement, agency transfer, loan, or similar agreement for a period of two years after he or she leaves such employment or working arrangement. For the purposes of this subsection, such prohibition shall not include a former employee of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity.

(g) No former public official or public employee of the state may, within two years after termination of office or employment, act as attorney for any person other than himself or herself or the state, or aid, counsel, advise, consult or assist in

representing any other person, in connection with any judicial proceeding or other matter in which the state is a party or has a direct and substantial interest and in which the former public official or public employee participated personally and substantially as a public official or employee or which was within or under the public official or public employee's official responsibility as an official or employee. This prohibition shall extend to all judicial proceedings or other matters in which the state is a party or has a direct and substantial interest, whether arising during or subsequent to the public official or public employee's term of office or employment.

Here, Ms. Dobbs' representation of foster parents in adoption proceedings where she has not participated in the matter as either an employee of ADHR or as an administrative law judge would not constitute her representation of clients before ADHR. Rather, she will be representing clients "before" the court similar to former employees of a District Attorney's office whose former employees represent criminal defendants but with much less interaction with her former employer.¹

Therefore, the "Revolving Door" provisions of the Ethics Act do not prohibit Ms. Dobbs from representing foster parents in adoption proceedings with ADHR's consent in cases where she did not appear or participate as counsel or as an administrative law judge.

This opinion extends only to the restrictions of the Ethics Act and may not be relied upon by anyone other than the requestor. Whether the "Revolving Door" provisions would prohibit similar activity must be evaluated on a case-by-case basis.

CONCLUSION

The "Revolving Door" provisions of the Ethics Act do not prohibit a former employee of the Alabama Department of Human Resources and current part-time administrative law judge for ADHR from representing foster parents in adoption proceedings with ADHR's consent in cases where she did not appear or participate as counsel or as an administrative law judge.

This opinion extends only to the restrictions of the Ethics Act and may not be relied upon by anyone other than the requestor as whether the "Revolving Door" provisions would prohibit similar activity must be evaluated on a case-by-case basis.

¹ Advisory Opinion No. 2023-04.

AUTHORITY

By 3/0 vote of the Alabama Ethics Commission on December 3, 2025.


Chair
Alabama Ethics Commission