

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Due to the COVID-19 pandemic, this meeting of the Board of Bar Commissioners was held via video teleconference in accordance with the provisions of Section III of the First Supplemental State of Emergency: Coronavirus (COVID-19) issued by Proclamation of the Governor of the State of Alabama on March 18, 2020.

Friday, September 18, 2020

1. CALL TO ORDER

President Bob Methvin convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. via video teleconference. Commissioner Brannon Buck gave the invocation.

2. ROLL CALL

The secretary took the roll of the commission and the following commissioners were present:

Raymond Bell, Jr.	Frederick Helmsing, Jr.	Tom Perry
Edgar Black	Erik Heninger	Chuck Price, III
Mark Boardman	Scott Holmes	Barry Ragsdale
Sally Bowers	Carmen Howell	John Rea
Jeffrey Bowling	Richard Kemmer	James Rebarchak
John Brinkley, Jr.	Brett King	Chrissy Riddle
Brannon Buck	Edward Lambert	Jeanne D. Rizzardini
Clay Carr	William Lancaster	Holly Sawyer
Joel Connally	Leigh Anne Landis	Pat Sefton
Bradley Cornett	Karen Laneaux	Allison Skinner
Mark Debro	David Langston	Elizabeth Smithart
Diandra Debrosse	Felicia Long	John Smyth
Deborah Dunsmore	Donald Mansell	John Stamps
Michael Ermert	Clay Martin	Andrew Stanley
Kira Y. Fonteneau	LaBella McCallum	Charles Tatum, Jr.
Jana Russell Garner	Bob McMillian	Jimbo Terrell
Kirkman Garrett	Cliff Mendheim	Halron Turner
Anne Malatia Glass	Levi Nichols	Gibson Vance
Diana Grimes	George Parker	Mallory B. Whitley
Leon Hampton	Manish Patel	

The following commissioners were absent:

Evan Allen	Christy Graham	Kenneth Moore
Robert Brogden	Jason Knight	Larry Morris
William Broome	Patrick Loftin	Lynn Perry
Bryan Comer	Clint Maze	Amanda Porter
Langford Floyd	Tina Moon	

Also in attendance were President-elect Taze Shepard and Immediate Past President Christy Crow. Staff members in attendance were: Roman Shaul, Justin Aday, Merinda Hall, Ashley Penhale, Melissa Warnke, Megan Hughes, Michelle Shaw, Linda Lunda, Hilaire Armstrong and Suzi Huffaker.

3. **APPROVAL OF THE REVISED AGENDA OF THE SEPTEMBER 18, 2020 BOARD MEETING**

President Methvin stated that a revised agenda of the September 18, 2020 Board Meeting had been published prior to the meeting. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER VANCE MOVED TO APPROVE THE AGENDA OF THE SEPTEMBER 18, 2020 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY ROLL CALL VOTE.

4. **INTRODUCTION OF GUESTS**

President Methvin recognized special guests including Associate Justice Will Sellers, Past President Augusta Dowd, Leon Hampton, president of the Alabama Lawyers Association, Candis McGowan, Harlan Prater, Michael Upchurch, Cassandra Adams, and Julia Weller, clerk of the Supreme Court of Alabama.

5. **PRESIDENT'S REPORT**

President Methvin thanked all of those who called and sent cards and texts after the passing of his father. He also reminded the Board of the importance of having a current and executed living will.

Mr. Methvin informed the Board that the bar is monitoring the need for assistance for those affected by Hurricane Sally, and that the bar will respond when a particular need and right timing are confirmed.

President Methvin reminded the Board that the bar is offering free online CLE programming as a member benefit and in response to the COVID-19 pandemic. He recognized President-elect Shepard to provide an update on the CLE offerings. Mr. Shepard informed the Board that, so far, two programs have been delivered via live

webcast and fourteen programs are available on-demand. He reported that there have been over 2,500 course enrollments and nearly 1,500 course hours completed.

Mr. Methvin informed the Board that, as part of license renewals, members are being asked to report the number of pro bono hours performed in 2019. He reported that over 67,000 hours have been reported so far, which already confirms a significant volunteer impact by Alabama lawyers. The president highlighted other pro bono opportunities, including the Lawyer Voices for Survivors Task Force, which is a task force devoted to anti-human trafficking.

President Methvin recognized Commissioner Scott Holmes, chair of the Pro Bono Celebration Task Force, to remind the Board about the upcoming National Pro Bono Month in October. Mr. Holmes informed the Board that most of the normal activities associated with Pro Bono Month would be taking place again this year. He also encouraged commissioners to regularly check the lineup of events on the website, as new live events are being planned and various CLE opportunities are being presented.

6. **SECRETARY / EXECUTIVE DIRECTOR'S REPORT**

Secretary/Executive Director McCallum stated that the bar stands ready to assist in response to Hurricane Sally, and that it will do so at the appropriate time.

Mr. McCallum said that he planned to provide a review of bar operations since he has served as Executive Director for the past three years. He stated that he prefers to provide the information to the Board at an in-person meeting, and that he plans to make the presentation at the Board meeting in October. Mr. McCallum did provide a preview of the presentation, including the reduction of staff from 45 employees when he began to 35 current employees, reduction of annual salary costs, and increases in annual operating surpluses, including an anticipated surplus of approximately \$800,000 in the current fiscal year.

Mr. McCallum informed the Board that the Lawyers Hall of Fame program was canceled this year due to COVID-19. He reported that this year's class would remain in place and be honored at a ceremony in May 2021. He also reported that the Opening of Court Ceremony and Red Mass were canceled due to COVID-19, and that an Opening of Court Ceremony is also being planned for May 2021.

Mr. McCallum reported that the Examiners of Public Accounts have finished a legal compliance audit of the Alabama State Bar and that an exit interview was held to discuss the findings. He reported that the audit revealed only minor findings that can be easily corrected, and that he expects the final report to be issued soon.

7. **OFFICE OF GENERAL COUNSEL REPORT**

General Counsel Roman Shaul informed the Board that the Office of General Counsel is using video-conferencing to hold hearings and work through the backlog of cases

created by the COVID-19 pandemic. He reported that Carol Mott, who served as paralegal to Jeremy McIntire, left the bar for another opportunity. The position will be filled by Laurie Blazer, who will also continue on in her role as Client Security Fund Coordinator. Mr. Shaul reported that he has been restructuring the Office of General Counsel since becoming General Counsel, and that those efforts have resulted in an annual salary savings of approximately \$175,000.

8. **PRESIDENT'S COUNCIL ON UNITY AND DIVERSITY**

Cassandra Adams updated the Board on the work of the President's Council on Unity and Diversity. Mrs. Adams stated that the council is working to implement the theme, "Engage, Listen, Learn and Grow Together." To that end, the council is working with the Diversity & Inclusion in the Profession Committee to present CLE programming, develop a mentoring program for college and law students, and work to build cultural competency and eliminate bias among legal professionals.

9. **RULE 7 SERIES REVISIONS**

Harlan Prater and Michael Upchurch provided an update on the proposed revisions to the Series 7 rules on lawyer communications. Mr. Prater and Mr. Upchurch reported that, since the last board meeting, the committee and staff have met and incorporated suggestions of the board and comments from the membership. They reminded commissioners that the current version of the recommended rule changes are available in the meeting materials and will be considered as an action item at a future board meeting.

10. **FINANCIAL REPORT & BUDGET PRESENTATION**

Director of Finance Merinda Hall presented the third quarter financial reports. When compared to the third quarter from last year, revenues are up approximately 1.6% and expenses are down less than 1%. Mrs. Hall also reported that investments have recovered from the losses of the previous quarter, and that approximately \$400,000 will be re-invested before the end of the fiscal year.

Mrs. Hall presented the FY2022 budget that will be presented to State Budget Office. The proposed FY2022 budget is \$6.69 million and represents a decrease of approximately 1.7% from the FY2021 budget.

President Methvin put before the Board the approval of the financial reports for the third quarter of FY2020.

COMMISSIONER VANCE MOVED TO APPROVE THE FINANCIAL REPORTS OF THE ALABAMA STATE BAR FOR THE THIRD QUARTER OF THE FISCAL YEAR ENDING SEPTEMBER 30, 2020. THE MOTION WAS SECONDED AND APPROVED BY ROLL CALL VOTE.

11. **RESTRUCTURED BOARD OF BAR EXAMINERS APPOINTMENTS**

Assistant Executive Director Justin Aday reviewed the change to Rule VI.A of the *Rules Governing Admission to the Alabama State Bar* regarding the restructuring of the Board of Bar Examiners from fifteen members to seven members. Mr. Aday reminded the Board that the proposed changes were previously approved by the Board and the Supreme Court of Alabama, and that the Board of Bar Commissioners is required to appoint the seven members to the restructured Board of Bar Examiners. He informed the Board that five members of the current Board of Bar Examiners – David Hymer, Dan Johnson, Susan Kennedy, Robert Lockwood and Tara Lockett – have indicated an interest in being appointed to the restructured Board of Bar Examiners, and that additional nominations will be taken and the appointments made at the next Board meeting.

12. **COMMUNICATIONS UPDATE**

Director of Communications Melissa Warnke informed the Board that some equipment purchases have been made to provide for a better experience during the many virtual meetings that are required because of the COVID-19 pandemic. She reported that a communications protocol has been developed to fully utilize the talents of the communications staff, and to provide consistency of branding and messaging. Mrs. Warnke also reported that the “More than a Lawyer” series is being revamped and she encouraged commissioners to nominate bar members from their circuits to be featured in the series.

13. **ECONOMIC IMPACT, CONSTITUTIONAL AMENDMENTS & LEGISLATIVE UPDATE**

Legislative Counsel Suzi Huffaker reported to the Board that the University of Alabama has sent surveys for the economic impact study to one member of each law firm in Alabama. She reminded commissioners that all information collected from the surveys will remain confidential and that the bar will only receive aggregate data in the study. Mrs. Huffaker asked commissioners to encourage members in their circuits to participate in the study.

Mrs. Huffaker also reported that two constitutional amendments, proposing changes to the judicial article, will be on the ballot in November. She asked commissioners to encourage support for these amendments, which benefit the judiciary and provide for more efficiency in the court system. She reminded the Board that summaries of the amendments are available and that articles about them have been published in *The Alabama Lawyer* magazine.

14. **COVID-19 BENCH & BAR TASK FORCE UPDATE**

Immediate Past President Christy Crow informed the Board that the COVID-19 Bench & Bar Task Force has held its first meeting for this year and is being divided into

subcommittees. She stated that the task force will be working to determine what the bar needs from the bench and vice versa. Mrs. Crow said that the task force will be working to develop an etiquette handbook for meetings and hearings that are conducted remotely using videoconferencing software. She also reported that jury trials are resuming in many parts of the state and that the Supreme Court secured funding to provide protective equipment and other tools necessary to make for a safe environment for in-person proceedings.

15. **MEMBER BENEFITS UPDATE**

Commissioner Jimbo Terrell and PMAP Director Autumn Caudell updated the Board as to new member benefits recently approved by the Executive Council. These include discounts to the OWA Amusement Park in Baldwin County and member access to the discount website corporateshopping.com. Mrs. Caudell also informed the Board that there are approximately 12 pending applications from potential member benefits providers.

16. **EXAMINERS OF PUBLIC ACCOUNTS CONCERN RELATING TO PROOF OF CITIZENSHIP/LEGAL STATUS FOR LICENSED ATTORNEYS**

Assistant Executive Director Justin Aday informed the Board that the final legal compliance audit report of the Examiners of Public Accounts will include a recommendation that the Alabama State Bar enroll in the federal SAVE program to verify the citizenship or legal status of applicants for admission to the bar. Mr. Aday reported that the current procedure for verifying citizenship or legal status relies on the self-reporting of applicants for admission and that use of the SAVE program will be an added layer of independent verification.

Commissioner Jeanne Rizzardi inquired as to whether or not outside legal counsel had been engaged to represent the bar regarding this and other findings by the Examiners of Public Accounts. President Methvin informed the Board that outside legal counsel has been retained by the bar, but that the representation is unrelated to the legal compliance audit findings by the Examiners of Public Accounts. President Methvin informed the Board that outside counsel has instructed that the nature of the representation not be disclosed to anyone at this time, including the Board.

17. **UPDATE OF ASB EMPLOYEE MANUAL**

General Counsel Roman Shaul discussed proposed changes to the ASB Employee Manual. He informed the Board that these are changes that have been worked on by the Personnel Committee. Mr. Shaul reminded commissioners that a red-lined copy of the proposed changes is included in the meeting materials and that their adoption is not time-sensitive. Mr. Shaul briefly discussed some of the proposed changes, including addition of a communications protocol, changes to the donated leave policy, ability of the Executive Director to certify that an employee has worked 40 hours in a week and

need not work additional hours, addition of a telecommuting policy and exemption of the Executive Director and General Counsel from the work schedule policy.

Commissioner Jeanne Rizzardi inquired as to whether the engagement of outside legal counsel was related to a personnel matter. She stated that she understood that the Board could not be informed about the nature of the representation at this time, but that she felt uncomfortable considering any changes to the employee manual if the representation by outside counsel was related to a personnel matter.

18. APPOINTMENT TO PRIVATE INVESTIGATORS BOARD

President Methvin reminded the Board that there is a vacancy on the Private Investigators Board that must be filled by the Board of Bar Commissioners. He also reminded the Board that Scott Hawk was previously nominated and that additional nominations were solicited and the nomination of Yuri Linetsky was received. President Methvin asked if there were any other nominations for the vacant position on the Private Investigators Board.

COMMISSIONER SKINNER MOVED TO CLOSE NOMINATIONS FOR APPOINTMENT OF A MEMBER TO THE PRIVATE INVESTIGATORS BOARD. THE MOTION WAS SECONDED AND APPROVED BY ROLL CALL VOTE.

AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED ON EACH NOMINEE AND PRESIDENT METHVIN ANNOUNCED THAT SCOTT HAWK IS APPOINTED TO SERVE AS A MEMBER OF THE PRIVATE INVESTIGATORS BOARD.

19. STAFF COMPENSATION 2020-2021

President Methvin explained that a total of \$3,035,696 was recommended for staff compensation for FY2020-2021, which represented no compensation increases for the upcoming fiscal year.

COMMISSIONER VANCE MOVED TO APPROVE STAFF COMPENSATION FOR FY2020-2021 IN THE AMOUNT OF \$3,035,696. THE MOTION WAS SECONDED AND APPROVED BY ROLL CALL VOTE.

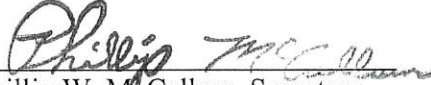
20. ADJOURNMENT

President Methvin asked if there was any further business to come before the commission. There being no further business to come before the commission, a motion was made and duly seconded to adjourn. The motion was approved by roll call vote and the meeting was adjourned at 11:30 a.m.



Robert G. Methvin, Jr., President
Alabama State Bar

ATTEST:



Phillip W. McCallum, Secretary
Alabama State Bar