

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

**The Battle House Hotel
Moonlight A Ballroom
Mobile, Alabama**

Friday, March 2, 2018

1. CALL TO ORDER

President Augusta S. Dowd convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in the Moonlight A Ballroom of The Battle House Hotel, Mobile, Alabama. Commissioner Bryan Comer gave the invocation.

2. ROLL CALL

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

LaBella S. Alvis	Leslie R. Barineau	Mark S. Boardman
Jeffrey L. Bowling	Robert H. Brogden	Brannon J. Buck
Bryan E. Comer	Diandra S. Debrosse	Michael D. Ermert
J. Langford Floyd	Kira Y. Fonteneau	Monet M. Gaines
Jana Russell Garner	J. Kirkman Garrett	H. Thomas Heflin, Jr.
Ralph E. Holt	William R. Lancaster	Karen Laneaux
M. Clay Martin	William Randall May	Clint L. Maze
Rebekah K. McKinney	R. Cliff Mendheim	Robert G. Methvin, Jr.
C. Zachery Moore	Larry W. Morris	J. Flynn Mozingo
J. Levi Nichols	George R. Parker	James Lynn Perry
Taylor T. Perry, Jr.	Barry A. Ragsdale	Jeanne Dowdle Rasco
James Rebarchak	Tazewell T. Shepard	Allison O. Skinner
John A. Smyth	John T. Stamps	Audrey O. Strawbridge
Halron W. Turner	Roy W. Williams, Jr.	

The following commissioners were absent:

Steven D. Adcock	Emily L. Baggett	Robert L. Bowers, Jr.
John A. Brinkley, Jr.	William H. Broome	Daryl Burt
Latisha R. Davis	Rebecca G. DePalma	Jeffery C. Duffey
Erskine R. Funderburg, Jr.	Anne Malatia Glass	Christy Williams Graham
Dana Grimes	Frederick G. Helmsing, Jr.	Erik Stephen Heninger

Clinton H. Hyde	Brett A. King	F. Patrick Loftin
Donald B. Mansell	David Martin	Matthew C. Mitchell
Kenneth Moore	Les Pittman	Courtney R. Potthoff
Donald R. Rhea	R. Cooper Shattuck	Andrew D. Stanley
Charles C. Tatum, Jr.	Terri O. Tompkins	C. Gibson Vance
Gregory M. Varner	Hays Webb	Thad Yancey, Jr.

Also in attendance were President-elect Sam Irby and Immediate Past President Cole Portis. Staff members in attendance were: Ed Patterson, Douglas McElvy, Justin Aday, Laura Calloway, Katherine Church, and Alex Rice.

3. INTRODUCTION OF GUESTS

President Dowd recognized special guests including Gene Powers, Mobile Bar Association president, Barbara Rhodes, Mobile Bar Association executive director, Tammy Anderson, Mobile Bar Association associate executive director, Greg Vaughan, Mobile Bar Association lawyer mentoring program, Bo Keahey, president of the Washington/Choctaw/Clark Counties Bar Association, Kim Lawkis, Alabama Food Bank Association Director of Policy and Programs, former commissioner Cleve Poole, Michael Upchurch, former bar commissioner Walter Honeycutt, and former Mobile Bar Association president Pete Mackey.

President Dowd also recognized former commissioner Christy Crow and congratulated her on being selected as President-Elect for the 2019-2020 bar year.

4. APPROVAL OF THE MINUTES OF THE JANUARY 26, 2018 BOARD MEETING

President Dowd stated that the minutes of the January 26, 2018 Board Meeting had been transcribed and circulated prior to the meeting. She asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER DEBROSSE MOVED TO APPROVE THE MINUTES OF THE JANUARY 26, 2018 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. PRESIDENT'S REPORT

President Dowd began her report by expressing gratitude to the commissioners from Mobile for helping coordinate the meeting, and their partnership with the Mobile Bar Association and Alabama State Bar Business Section in planning the Thursday reception.

President Dowd updated the commission on “State of the Bar” presentations that have been given to date and future presentations that have been scheduled already. She said that the program has been well received and is valuable to members of the bar.

President Dowd updated the commission on the search for a General Counsel of the Alabama State Bar. In particular, she informed the commission that a robust and diverse pool submitted applications for the position. The search committee has met and did an initial screening of the applications. The members of the committee have been broken up into interview teams and will conduct telephone interviews of the remaining applicants. The search committee will convene in late March and the interview teams will recommend candidates who should advance to the next screening level. The smaller group will be interviewed in person by the search committee. The goal is to have a recommended candidate by the May board meeting and to have the candidate available at a reception on the evening before the May meeting.

President Dowd informed the commission that she represented the Alabama State Bar at the ABA Midyear Meeting, along with President-Elect Irby, Secretary/Executive Director McCallum, and Commissioner Parker. She also reported that Commissioner Barineau attended the meeting in her capacity as president of the ABA’s National Conference of Bar Foundations. President Dowd also informed the commission that past president Fred Gray was given the National Conference of Bar Presidents Fellows Award at the Midyear Meeting. She informed the commission that Alabama was well-represented and the Alabama State Bar was highly recognized through Mr. Gray’s award.

President Dowd informed the commission that the Alabama State Bar Diversity Committee has conducted minority pre-law conferences in Birmingham and Montgomery. These events were well attended and huge successes by all accounts. She also reminded the commission that listening sessions are ongoing around the state in conjunction with the Access to Civil Justice Summit, which will be held at the Annual Meeting in June.

President Dowd concluded her remarks by reminding the commission of the Annual Meeting to be held June 27-30, 2018, at the Sandestin Hilton. She encouraged commissioners to attend and to promote attendance to their constituents. She also recognized Commissioner Jana Garner, who has left her firm and started her own solo practice.

6. SECRETARY/EXECUTIVE DIRECTOR’S REPORT

Secretary/Executive Director McCallum recognized the Mobile bar commissioners and thanked them for all of their assistance in planning and execution of the March meeting. He informed the commission that due to a scheduling conflict with the Montgomery Convention Center the July 2018 bar exam will be administered in Birmingham at the Birmingham-Jefferson Civic Center. He also informed the

commission that the member census was conducted and that there are no changes to the allocation of commission seats based on member counts by circuit.

Secretary/Executive Director McCallum recognized Robert Thornhill, director of the Alabama Lawyer Assistance Program, for being selected as the 2018 recipient of the Marion Cranford Award presented by the Drug Education Council.

Secretary/Executive Director McCallum concluded his remarks by presenting the Secretary/Executive Director's "Most Valuable Person" (MVP) Award to Mobile Bar Association Executive Director Barbara Rhodes. Mr. McCallum recognized Ms. Rhodes for her more than 37 years of service as executive director of the Mobile Bar Association and, in turn, her service to many lawyers in Mobile and across the state.

7. PRESIDENT-ELECT COMMENTS

President Dowd recognized President-elect Sam Irby to give remarks to the commission. President-elect Irby addressed the commission and said that being able to serve as president of the Alabama State Bar has been his greatest professional honor. He said his goal as president of the bar is to build upon the work of past presidents and to find ways to improve services delivered by the bar to the public and the bar membership.

8. ELECTION UPDATE

Director of Admissions Justin Aday informed the commission that planning and qualifying for the 2018 board election are underway. He informed the commission that there would be no statewide election since there was only one candidate to qualify for president-elect. There are 23 commission seats up for election this year and qualifying closes on Friday, April 28, 2018. The online election will be held May 21-25, 2018 and it will be administered by Election-America, with members being able to log in to the state bar website to access their ballots.

9. DISABILITY INACTIVE STATUS PROPOSED AMENDED RULES

Acting General Counsel Douglas McElvy and Alabama Lawyer Assistance Program Director Robert Thornhill were recognized to review the findings and recommendations of the Disability Inactive Status Task Force. In particular, the task force recommended that proceedings related to placing a lawyer on disability inactive status be made confidential and to publish lawyers on disability inactive status as simply "inactive."

COMMISSIONER WILLIAMS MOVED TO MAKE APPROVAL OF PROPOSED AMENDMENTS TO RULES 26(c), 27(j), AND 30(b) OF THE RULES OF DISCIPLINARY PROCEDURE RELATED TO DISABILITY INACTIVE STATUS AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO THIRDS VOTE.

COMMISSIONER MOZINGO MOVED TO APPROVE PROPOSED AMENDMENTS TO RULES 26(c), 27(j), AND 30(b) OF THE RULES OF DISCIPLINARY PROCEDURE RELATED TO DISABILITY INACTIVE STATUS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

10. LEGISLATIVE UPDATE

Legislative Counsel Suzi Huffaker reported to the commission that of the 30 possible legislative days in the current session, 16 days complete. Ms. Huffaker reported that both budgets are out of the houses of origin and that there is a \$2.5 million increase in the judiciary budget in the current version of the general fund budget.

Ms. Huffaker also reported that there are several bills of interest that are continuing in the legislative process. Included in these bills are a pay raise bill for judges and court employees, a juvenile justice reform bill, a civil asset forfeiture bill, a data breach bill that was reviewed by the Alabama State Bar Data Breach Task Force. Ms. Huffaker also reported that there was a decrease in the number of court cost bills and attributed that to education and involvement of the bar.

Ms. Huffaker also reported on a bill to increase the penalties for case running. She updated the commission on a bill that would prevent legislators from taking professional services contracts without approval of Ethics Commission. She said that lawyers have been exempted from that bill since it discriminated against lawyers serving in the legislature. Ms. Huffaker also reported on a bill regulating the admissibility of evidence in dark stores and a bill changing how hardship affidavits are processed. She concluded with an update on efforts to amend the ethics law and stated that those efforts would be slated for 2019 and that the bar would have seats on the commission to review possible changes to the ethics law.

11. COMMISSIONER COMMENTS – BILL LANCASTER

Commissioner Lancaster welcomed the commissioners to Mobile and thanked them for attending the reception on last evening. Commissioner Lancaster informed the commission that the Mobile Bar Association will celebrate its 150th anniversary next year and that there are several events being planned in conjunction with that celebration. He informed the commission that the new federal courthouse in Mobile is slated to open this summer. He also informed the commission about a triathlon that the Mobile Bar Association sponsors to raise money for the Mobile Bar Foundation and that over \$70,000 was raised in the inaugural event last year. Commissioner Lancaster concluded his remarks by recognizing the Mobile Bar Association's lawyer mentor program and that he was glad Greg Vaughan was present to share more information on the program.

12. MOBILE BAR LAWYER MENTORING PROGRAM – GREG VAUGHAN

Greg Vaughan of Mobile was recognized to provide information on the Mobile Bar Association's lawyer mentoring program. Mr. Vaughan gave an overview of the program which is designed to partner lawyers with 8 or less years of experience with more experienced lawyers. These pairings are in conjunction with low-cost to no-cost continuing legal education programs. In addition to the educational programming, the program is designed to provide networking and mentoring opportunities for younger lawyers in Mobile. Mr. Vaughan concluded his remarks by encouraging the bar commissioners to contact him with any questions about starting a mentoring program.

13. LEGAL FOOD FRENZY – JEANNE RASCO

Commissioner Jeanne Rasco and Kim Lawkis of the Alabama Food Bank Association were recognized to provide information on the 2018 Legal Food Frenzy, which is co-sponsored by the Alabama State Bar, the Alabama Attorney General's Office and the Alabama Food Bank Association. Commissioner Rasco introduced Ms. Lawkis to inform the commission about how the food bank system works in Alabama. Ms. Lawkis informed the commission that the Alabama Food Bank Association is a partnership of the eight food banks in Alabama and that all counties in the state are serviced by one of the food banks. Ms. Lawkis thanked the bar for its efforts through the Legal Food Frenzy and encouraged participation during the competition this year. Commissioner Rasco concluded by encouraging the commissioners to participate and provided details on the rules associated with the competition, including a component this year that will be a competition among the commissioners and their representative circuits.

14. NOMINATIONS FOR ABA HOUSE OF DELEGATES

President Dowd informed the commission that the terms of two Alabama delegates on the ABA House of Delegates – Rich Raleigh and Bobby Poundstone – are set to expire this year. She informed the commission that both had shown an interest in being re-appointed and that she would be soliciting nominations from the commission before the next board meeting.

15. ALABAMA STATE BAR AWARD NOMINATIONS REMINDER

President Dowd informed the commission that a handout with details on the Alabama State Bar awards is at their seat. She explained that there were nomination deadlines and that she encouraged nominations from the commissioners.

16. APPROVAL OF NOMINATIONS TO ALABAMA BOARD OF COURT REPORTING

President Dowd reminded the commission that there were several calls for nominations to fill a vacancy on the Alabama Board of Court Reporting and that no

nominations were made by the commission. She then informed the commission that she nominates Linda Flippo to serve on the Alabama Board of Court Reporting.

COMMISSIONER MAZE MOVED TO CLOSE NOMINATIONS FOR THE ALABAMA BOARD OF COURT REPORTING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER GARNER MOVED THE RECOMMENDATION OF LINDA FLIPPO FOR APPOINTMENT TO THE ALABAMA BOARD OF COURT REPORTING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. APPROVAL OF NOMINATION BY 25th JUDICIAL CIRCUIT TO FILL THE UNEXPIRED TERM OF JUDGE DARYL BURT

President Dowd reminded the commission that there was a vacancy on the board for the 25th judicial circuit seat previously held by Judge Daryl Burt, who was appointed to the bench last month. She reported to the commission that the Winston County Bar Association had nominated Scott Shipman to fill the unexpired term. She also informed the commission that Jack Bostick had nominated himself to fill the unexpired term.

COMMISSIONER SHEPARD MOVED TO CLOSE NOMINATIONS FOR FILLING THE UNEXPIRED TERM OF THE 25TH JUDICIAL CIRCUIT SEAT ON THE BOARD OF BAR COMMISSIONERS. AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED ON EACH NOMINEE AND SCOTT SHIPMAN, HAVING RECEIVED THE MAJORITY OF VOTES, WAS SELECTED TO SERVE THE UNEXPIRED TERM OF THE 25TH JUDICIAL CIRCUIT SEAT ON THE BOARD OF BAR COMMISSIONERS.

18. APPROVAL OF NOMINATIONS FOR THE MAUD McLURE KELLY AWARD AND THE 2018 SUSAN B. LIVINGSTON LEADERSHIP AWARD

President Dowd reported to the commission that the Alabama State Bar Women's Section has recommended Alyce Spruell as the recipient of the 2018 Maud McLure Kelly Award and Kathy Miller as the recipient of the 2018 Susan B. Livingston Leadership Award.

COMMISSIONER SKINNER MOVED TO APPROVE THE RECOMMENDATION OF THE WOMEN'S SECTION TO AWARD THE MAUD MCLURE KELLY AWARD TO ALYCE SPRUELL. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER COMER MOVED TO APPROVE THE RECOMMENDATION OF THE WOMEN'S SECTION TO AWARD THE SUSAN B. LIVINGSTON

AWARD TO KATHY MILLER. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. APPROVAL OF NOMINATIONS FOR THE 2018 JEANNE MARIE LESLIE SERVICE AWARD

President Dowd stated that the Lawyers Assistance Program had recommended Jim Standridge and, posthumously, Eason Mitchell as the recipients of the 2018 Jeanne Marie Leslie Service Award.

COMMISSIONER BARINEAU MOVED TO APPROVE JIM STANDRIDGE AND, POSTHUMOUSLY, EASON MITCHELL AS RECIPIENTS OF THE 2018 JEANNE MARIE LESLIE SERVICE AWARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. ADJOURNMENT

President Dowd 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 voice vote and the meeting adjourned at 11:40 a.m.

Augusta S. Dowd, President
Alabama State Bar

ATTEST:

Phillip W. McCallum, Secretary
Alabama State Bar