

## MINUTES

### ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Baytowne Wharf Conference Center  
Magnolia D  
Destin, Florida

Wednesday, June 22, 2016

#### 1. CALL TO ORDER

President Lee Copeland convened this meeting of the Alabama State Bar Board of Commissioners at 2:30 p.m. in room Magnolia D of the Baytowne Wharf Convention Center in Destin, Florida. Commissioner Vance gave the invocation.

#### 2. ROLL CALL

The Secretary called the roll of the Commission and the following Commissioners were present:

Halron W. Turner	J. Levi Nichols	Christy Crow
Jana Russell Garner	William H. Broome	Emily L. Baggett
Dana Grimes	John A. Smyth III	Barry A. Ragsdale
Robert G. Methvin	Augusta S. Dowd	Michael D. Ermert
Allison O. Skinner	Brannon J. Buck	Ralph E. Holt
C. Zack Moore	Frederick G. Helmsing, Jr.	Clay A. Lanham
Juan Ortega	James Rebarchak	George R. Parker
J. Flynn Mozingo	C. Gibson Vance	James David Martin
Tom Perry, Jr.	Mark S. Boardman	Anne Malatia Glass
Robert L. Bowers	R. Cliff Mendheim	Eric Coale
Tazewell T. Shepard III	John A. Brinkley	Rebekah K. McKinney
M. Clay Martin	Daryl Burt	Clint L. Maze
Sam Irby	H. Thomas Heflin, Jr.	Lee F. Knowles
Scott L. McPherson	Diandra S. Debrosse	Cooper Shattuck
Alicia F. Bennett	Kira Fonteneau	Jeanne Dowdle Rasco

The following commissioners were absent:

Charles G. Reynolds, Jr.	Terri O. Tompkins	Hays Webb
Leslie R. Barineau	Erik Stephen Heninger	Kenneth Moore
Thad Yancey, Jr.	James R. Beard	Les Pittman
Jeffery C. Duffey	Donald R. Rhea	William Randall May
Manish H. Patel	Audrey O. Strawbridge	F. Patrick Loftin
Allan Chason	Steven D. Adcock	Erskine R. Funderburg, Jr.
Jason P. Knight	Sharon Hindman Hester	W. Thomas Chapman, II
Christy Williams Graham	Roger W. Pierce	Matthew C. Mitchell
Donald Ben Mansell	Meredith S. Peters	Rebecca G. DePalma
Monet M. Gaines	Ashley Swink Fincher	

Also in attendance were President-elect Cole Portis, Immediate Past President Richard J. R. Raleigh, Jr., and Presidential Counsel Anthony A. Joseph. Staff members present included Tony McLain, Diane Locke, Justin Aday, Angela Parks, Laura Calloway, Eric Anderson, Jeremy McIntire, Linda Lund, Kelley Lee, Mark Moody and Tripp Vickers. Also in attendance was legislative counsel Suzi Huffaker.

### **3. MINUTES OF THE MAY 6, 2016 BOARD OF COMMISSIONERS MEETING**

President Copeland stated that the minutes of the May 6, 2016 board meeting had been transcribed and circulated prior to the meeting. He asked if there were corrections, additions or deletions. There were none.

COMMISSIONER CROW MOVED TO APPROVE THE MINUTES OF THE MAY 6, 2016 BOARD OF BAR COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND UNANIMOUSLY APPROVED BY VOICE VOTE.

### **4. INTRODUCTION OF GUESTS**

Guests included John Pickens and Craig Baab of Alabama Applesseed; former commissioner and chairman of the Judicial Inquiry Commission, Billy Bedsole as well as Young Lawyers Section past president Hugh Nichols and incoming president Parker Miller.

### **5. RECOGNITION OF RETIRING COMMISSIONERS AND NEW COMMISSIONERS**

President Copeland recognized those members of the commission who were retiring. They were:

Christina D. Crow	3rd Judicial Circuit
Augusta S. Dowd	10th Judicial Circuit, Place 5
Clay A. Lanham	13th Judicial Circuit, Place 3
Juan Ortega	13th Judicial Circuit, Place 4
James R. Beaird	14th Judicial Circuit
Allan R. Chason	28th Judicial Circuit, Place 1
Jason P. Knight	32nd Judicial Circuit
Roger W. Pierce	37th Judicial Circuit
Alicia F. Bennett	At-Large, Place 5

Next President Copeland introduced the new members of the commission whose terms commence July 1, 2016. They were:

Courtney Potthoff	3 <sup>rd</sup> Judicial Circuit
Larry Morris	5 <sup>th</sup> Judicial Circuit
LaBella Alvis	10 <sup>th</sup> Judicial Circuit, Place 5
Bill Lancaster	13 <sup>th</sup> Judicial Circuit, Place 3
Bryan E. Comer	13 <sup>th</sup> Judicial Circuit, Place 4
Charles Tatum, Jr.	14 <sup>th</sup> Judicial Circuit
James Lynn Perry	28 <sup>th</sup> Judicial Circuit, Place 1
Roy W. Williams	32 <sup>nd</sup> Judicial Circuit
Andrew D. Stanley	37 <sup>th</sup> Judicial Circuit
Karen Laneaux	At-Large, Place 4

## **6. PRESIDENT'S REPORT**

President Copeland reported on the litigation involving a former staff member pending in the circuit court of Baldwin County. He stated that the case had been dismissed by the circuit court but was likely to be appealed.

## **7. MEMORIAL RESOLUTIONS**

President Copeland stated that memorial resolutions honoring three former presidents who had died since the last annual meeting had been prepared. The resolutions honoring Truman M. Hobbs, M. Roland Nachman, Jr. and William B. Hairston, Jr. were as follows:

### **Truman McGill Hobbs**

WHEREAS, Truman McGill Hobbs was born on February 2, 1921 and departed this life on November 4, 2015 in Montgomery, Alabama at the age of 94; and

WHEREAS, the Board of Commissioners of the Alabama State Bar desires to recognize and memorialize his outstanding record as a decorated World War II veteran, prominent lawyer, respected judge and leader of the Alabama State Bar.

NOW, THEREFORE, BE IT REMEMBERED that Truman Hobbs served this association nobly and well as its president in 1970-1971.

Truman was born in Selma, the son of Sara and former Judge and Congressman Sam Hobbs. He graduated from the University of North Carolina where he was student body president and a member of the academic honorary, Phi Beta Kappa, and Delta Kappa

Epsilon fraternity. Following college, Truman enlisted in the Navy and served four years in the European and the Pacific theaters where he volunteered for hazardous duty as a deep sea diver and was awarded the Bronze Star and Navy-Marine Corps Medal for heroism. He was discharged from the service with the rank of Lt. Commander.

After the war, Truman earned his law degree from Yale Law School and clerked for Supreme Court Justice Hugo Black. He returned to Alabama to begin his legal career where he eventually joined with Richard Rives, who would later join the Fifth Circuit Court of Appeals, and John Goldbold, who would become the presiding judge of the old Fifth Circuit and, later, the Eleventh Circuit. Not only did Truman enjoy a successful law practice, he contributed immensely to his profession by serving as president of the Montgomery County Bar Association, the Alabama Trial Lawyers Association and the Alabama State Bar. In 1980, he was appointed to the federal bench by President Jimmy Carter and ultimately served as Chief Judge of the Middle District of Alabama.

BE IT FURTHER REMEMBERED that Truman Hobbs was not only a dedicated lawyer, but his tenure on the bench was widely recognized for fairness, integrity and compassion. He leaves surviving him his wife of 66 years, Joyce, two daughters, Frances and Emile, and a son, Circuit Judge Truman Hobbs, Jr., as well as 11 grandchildren and nine great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Alabama State Bar meeting this day assembled that the life of Truman McGill Hobbs be recognized as one of deep dedication to the legal profession of this state, to his country and his family and that his death represents a great loss to each.

BE IT FURTHER RESOLVED that this resolution be recorded in the permanent minutes of this association.

### **Merton Roland Nachman, Jr.**

WHEREAS, Merton Roland Nachman, Jr. was born on December 21, 1923 and departed this life on November 24, 2015 in Montgomery, Alabama at the age of 91; and

WHEREAS, the Board of Commissioners of the Alabama State Bar desires to recognize and memorialize his outstanding record as a World War II veteran, a prominent lawyer, a public servant and a leader of the Alabama State Bar.

NOW, THEREFORE, BE IT REMEMBERED that Rod Nachman served this association nobly and well as its president in 1973-1974.

Born and raised in Montgomery, Rod graduated from Sidney Lanier High School at age 16 and enrolled at Harvard College. Although his education was interrupted when he enlisted to serve in the Navy during World War II, Rod returned to Harvard after the war to complete his undergraduate degree, and received his law degree there in 1948.

Rod's successful legal career began as an assistant attorney general for the State of Alabama followed by years as a partner in the firms of Knabe & Nachman; Steiner, Crum & Baker and Balch & Bingham. In 1956, he briefly served as administrative assistant in Washington to Senator John Sparkman.

During his lengthy and storied career, Rod served as president of the Alabama State Bar, as a director of the American Judicature Society and as an active member of the American Bar Association Board of Governors. He was also a member of the American College of Trial Lawyers, the American Academy of Appellate Lawyers, the American Law Institute and chairman of the Alabama Supreme Court Advisory Committee. He served as the court appointed chairman of the Human Rights Committee for the Alabama prison system and was the recipient of numerous awards and recognitions for his unparalleled service to the legal profession. His most well-known case was the landmark *New York Times v. Sullivan* that established a new federal rule of libel. Rod was fond of saying that he wished he had been known for a case that he had won rather than lost but would quip that the only way that he could have lost the case was if the law was changed which, in fact, is what the Supreme Court did.

BE IT FURTHER REMEMBERED that Rod Nachman was a dedicated lawyer who will be long remembered for his quick wit, keen mind and generous and caring nature. He leaves surviving him his four daughters, Nancy, Linda, Betsy and Amy, six grandchildren, four great- grandchildren, his sister, a niece, two nephews and several grand-nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Alabama State Bar meeting this day assembled that the life of Merton Roland Nachman, Jr. be recognized as one of deep dedication to our nation, the legal profession and his family and that his death represents a great loss to each.

BE IT FURTHER RESOLVED that this resolution be recorded in the permanent minutes of this association.

**William Burton Hairston, Jr.**

WHEREAS, William Burton Hairston, Jr. was born on December 14, 1924 and departed this life on December 24, 2015 in Birmingham, Alabama at the age of 91; and

WHEREAS, the Board of Commissioners of the Alabama State Bar desires to recognize and memorialize his outstanding record as a decorated veteran of World War II, a prominent lawyer, public servant and leader of the Alabama State Bar.

NOW, THEREFORE, BE IT REMEMBERED that Bill Hairston served this association nobly and well as its president in 1983-1984.

Bill was born in Birmingham and graduated from Phillips High School. He enrolled at the University of Alabama but interrupted his studies to enlist in the Army at the advent of World War II. As a Sergeant with the 69th Infantry Division, Bill spent his military career in the European theater fighting across France and was awarded the Bronze Star and the Combat Infantry Badge.

After the war, Bill completed his undergraduate degree and received his law degree in 1951 from the University of Alabama. He was a member of Omicron Delta Kappa, Jasons and a member of Alpha Tau Omega fraternity. He would later be inducted to the ATO Hall of Fame. Bill was a charter member of the Farrah Law Society, president of both the University of Alabama Law School Alumni Association and the law school's

foundation. In 2001, he received the Sam W. Pipes Distinguished Alumnus Award from the law school.

During his 60 years in private practice, Bill's involvement in the legal profession was no less distinguished. He published treatises on Alabama law, was a member of the American College of Trial Lawyers and served the Birmingham Bar Association as its president and in other capacities, receiving its Lifetime Achievement Award in 2004. He was a member of the Board of Commissioners of the Alabama State Bar, chairman of the Disciplinary Commission and served as state bar president. Bill also served other legal affiliated organizations and groups, including the Judicial Inquiry Commission, the Alabama Law Institute, as president of the Eleventh Circuit Historical Society and was a Fellow of the American Bar Foundation and the Alabama Law Foundation.

Bill served his community just as ably as the legal profession including serving on the management board of the Downtown YMCA, as treasurer of the Vestavia County Club and as a longtime member of the Monday Morning Quarterback Club. For more than 60 years, Bill served the Highland United Methodist Church where he held every volunteer office and taught Sunday School. His real passion, however, was the cultivation of camellias, an endeavor that he shared with Weezie, his beloved wife of 60 years. Not only was he a judge for the American Camellia Society, Bill was honored by that organization with a camellia that bears his name.

BE IT FURTHER REMEMBERED that Bill Hairston was a superb lawyer who will be remembered for his professionalism and leadership. He leaves surviving him his wife Weezie, a son Bill Hairston, III, a sister Kathryn Green and three nephews.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Alabama State Bar meeting this day assembled that the life of William Burton Hairston, Jr. be recognized as one of deep dedication to the legal profession, his country, his community and his family and that his death represents a great loss to each.

BE IT FURTHER RESOLVED that this resolution be recorded in the permanent minutes of this association.

FOLLOWING CONSIDERATION OF THE RESOLUTIONS, COMMISSIONER HEFLIN MOVED THAT THE MEMORIAL RESOLUTIONS HONORING TRUMAN M. HOBBS, M. ROLAND NACHMAN, JR., AND WILLIAM B. HAIRSTON, JR. BE ADOPTED. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

## **8. MEMBER BENEFIT PROPOSAL**

President Copeland recognized Laura Calloway, Director of Service Programs to report on a proposed new member benefit. Ms. Calloway outlined the details of the affinity program with Brooks Brothers. Under the terms of the program, all state bar members would receive at least a 10 percent discount for shopping online or at their stores.

AFTER MS. CALLOWAY RESPONDED TO SEVERAL QUESTIONS, COMMISSIONER CROW MOVED TO SUSPEND THE RULES AND MAKE THIS DISCUSSION ITEM AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER CROW THEN MOVED TO APPROVE BROOKS BROTHERS AS AN ENDORSED MEMBER BENEFIT PROGRAM. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**9. PRO BONO CELEBRATION REPORT**

Commissioners Crow and Garner provided the commission with a report on the plans for the 2016 Pro Bono celebration in October. The planned pro bono/bankruptcy seminar to be held in September was also mentioned in addition to other specific planned activities celebrating pro bono. Following the report, former committee chair Flynn Mozingo was called to the podium and recognized for his service as the previous year's chairman and presented with a framed resolution signed by the Governor proclaiming last October as pro bono month in Alabama.

**10. RULE III APPLICATIONS**

President Copeland stated that Elizabeth Marie Knoblock (DC) and Zachary Allen Madonia (IL) seek admission by motion pursuant to Rule III of the *Alabama State Bar Rules Governing Admission*. He reported that both met all of the requirements of Rule III in order to be considered for admission.

COMMISSIONER CROW MOVED TO ADMIT ELIZABETH MARIE KNOBLOCK AND ZACHARY ALLEN MADONIA PURSUANT TO RULE III OF THE ALABAMA STATE BAR RULES GOVERNING ADMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**11. 2016 ALABAMA LAWYERS HALL OF FAME CLASS**

President Copeland reported that the selection committee of the Alabama Lawyers Hall of Fame had recommended four individuals who had been deceased less than 100 years for induction in the 2016 class. They were William Bankhead, Lister Hill, Tom King, Sr., and J. Russell McElroy. He stated that the selection committee had also recommended the induction of George Washington Stone who had been deceased more than 100 years.

COMMISSIONER ORTEGA MOVED TO APPROVE THE INDUCTION OF WILLIAM BANKHEAD, LISTER HILL, TOM KING, SR., J. RUSSELL MCELROY AND GEORGE WASHINGTON STONE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**12. ADJOURN TO A DATE CERTAIN**

President Copeland stated that the hour was getting late and there was still more business to come before the commission. He asked the pleasure of the commission.

COMMISSIONER METHVIN MOVED THAT WHEN THE BOARD CONCLUDES FOR THE DAY, IT ADJOURN TO A DATE CERTAIN, SPECIFICALLY TO SATURDAY MORNING IMMEDIATELY FOLLOWING THE GRANDE CONVOCATION AND ANNUAL BUSINESS MEETING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**13. ALABAMA STATE BAR TRAVEL POLICY**

President Copeland explained that a formalized Alabama State Bar Travel Policy had been drafted incorporating all of the state travel regulations and the state bar policies on travel in a convenient format. He stated that the written document would allow officers, commissioners and staff ready access to the bar's travel policies that have been observed through long time practice or as required by the State of Alabama.

COMMISSIONER GLASS MOVED TO ADOPT THE FORMALIZED ALABAMA STATE BAR TRAVEL POLICY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the adopted travel policy is included with these minutes and attached as Appendix A]

**14. ADJOURNMENT**

President Copeland asked for a motion to adjourn. A motion to adjourn was duly made and seconded.

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Lee H. Copeland  
President, 2015-2016

Attest:

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Keith B. Norman  
Secretary