

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Camellia Ballroom I
Baytowne Wharf Convention Center
Sandestin Resort
Destin, Florida

Wednesday, July 14, 2010

1. CALL TO ORDER

President Methvin convened this meeting of the Alabama State Bar Board of Commissioners at 4:00 p.m. in Camellia Ballroom I of the Baytowne Wharf Convention Center at the Sandestin Resort in Destin, Florida. Commissioner Bedsole gave the invocation.

2. NEW COMMISSIONERS

President Methvin recognized the new commissioners. They were: Robert Simms Thompson, 5th Judicial Circuit; William H. Broome, 7th Judicial Circuit; Teresa G. Minor, 10th Judicial Circuit, Place 6; Frank M. Wilson, 15th Judicial Circuit, Place 1; Robert A. Huffaker, 15th Judicial Circuit, Place 3; Roger W. Pierce, 37th Judicial Circuit; and Monet M. Gaines, At-Large, Place 8.

3. ROLL CALL

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

Ronnie E. Keahey	Cleve Poole	Christy Crow
Robert Simms Thompson	Cooper Shattuck	Hays Webb
William H. Broome	Phil D. Mitchell	Rocky Watson
Leslie R. Barineau	S. Greg Burge	Phillip W. McCallum
Augusta S. Dowd	Teresa G. Minor	Joseph A. Fawal
Jim Pratt	William A. (Pete) Short	Henry A. Callaway, III
Walter H. Honeycutt	Billy C. Besole	Juan Ortega
Mary Margaret Bailey	Robert A. Huffaker	Cole Portis
Sim Penton	Lee H. Copeland	K. Scott Stapp
Ramona Morrison	Brian D. Mann	Hamp Baxley
John L. Jernigan, III	John M. Peek	L. Thomas Ryan, Jr.
Harold Stephens	R. Wyatt Howell	Kenneth E. White, III
Richard J.R. Raleigh, Jr.	Tut Wynne	Robert L. Rumsey
Allan Chason	Buddy Lee	Eddie Beason
Elizabeth Parsons	Roger Pierce	Don Word
Milton Coxwell	Merceria Ludgood	Alicia F. Bennett
Alexander Smith	David K. Howard	Monet M. Gaines
LaBarron Boone	Jerry Wayne Baker, Jr.	

The following commissioners were absent:

J. Garrison Thompson	Jack Neal	Robert E. Moorner
Albert J. Trousdale, II	Richard W. Whittaker	James R. Beaird
Frank M. Wilson	Les Pittman	F. Michael Haney
Julia C. Kimbrough	J. Dale Lawrence, Jr.	Kelly T. Lee
John M. Kennemer	Jason P. Knight	Christopher E. Malcom
Jerry C. Trent	David F. Law	Walter E. McGowan
Claude E. Hundley, III	Deborah Byrd Walker	

President-elect Alyce M. Spruell and immediate past president Mark White were present. Staff members present included Tony McLain, Robby Lusk, Sam Partridge, Jeremy McIntire, Jeanne Marie Leslie, Ed Patterson and Linda Lund. Also present were Tracy Daniel of the Alabama Law Foundation and legislative counsel Suzi Edwards.

4. WELCOMING OF RETURN OF COMMISSIONER PETE SHORT

President Methvin recognized Commissioner Pete Short on his returning to the commission following his accident. The commissioners gave Commissioner Short a standing ovation.

5. GUESTS

President Methvin introduced Judge Scott Vowell, presiding judge for the 10th Judicial Circuit; Angela Rawls, director of the Huntsville-Madison County VLP and Kelly Mauro, director of the Birmingham VLP. Bob Bailey, president of the Young Lawyers' Section was also recognized. He introduced Clay Lanham the incoming president for the section.

6. REMARKS BY IMMEDIATE PAST PRESIDENT MARK WHITE

Immediate Past President Mark White noted that this was his last meeting after having served three terms on the Board of Bar Commissioners and having served as an officer of the state bar. He expressed his appreciation and gratitude to the commission and others for the opportunity to serve. President Methvin thanked Immediate Past President White for his many years of service to the bar. The commission gave Mr. White a round of applause.

7. RATIFICATION OF ACTIONS TAKEN BY THE BOARD OF COMMISSIONERS AT ITS MAY 7, 2010 MEETING AND APPROVAL OF THE MINUTES OF THAT MEETING

President Methvin stated that because there was a lack of a quorum at the May 7, 2010 meeting, it was necessary for the commission to not only approve the minutes of that meeting but to ratify the actions taken by the commission at the previous meeting. He stated that the minutes for the May 7, 2010 meeting had been disseminated to the board. He asked if there were any corrections, additions, or deletions. There were none.

COMMISSIONER PENTON MOVED THE ADOPTION, APPROVAL AND RATIFICATION OF ALL ACTIONS TAKEN BY THE BOARD OF COMMISSIONERS AT THE MAY 7, 2010 MEETING AND THE ADOPTION OF THE MINUTES OF THAT MEETING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

8. PRESIDENT'S REPORT

President Methvin thanked the commission and especially President-elect Spruell and Vice President McCallum for their assistance during his year as president. He took a moment to highlight the accomplishments of his year as president stressing the goal of access to justice. He mentioned four areas of accomplishment in particular: Alabama lawyers voluntarily donated \$850,000 for access to justice; more than 1450 new lawyers were encouraged to join the state's 14 VLPs; Alabama's legislature was persuaded to increase its funding for access to justice by 12 percent and the mortgage foreclosure program has helped more than 3,000 people since its inception. President Methvin stated that access to justice was truly on a roll and that he hoped it would continue. He again thanked everyone for their hard work in making this a successful year for access to justice. The commission gave President Methvin a round of applause.

9. SECRETARY'S REPORT

The Secretary noted that Commissioner Trent had been hospitalized for tests and that Commissioner Neal had surgery on his arm. He next reviewed the financial report for the third quarter. Following the overview, he asked if there were questions concerning the report, there were none.

10. PROGRAMS UPDATE

Ed Patterson gave a brief update on annual meeting activities and several of the speakers including Maxfield Bahner of Chattanooga, Tennessee, who serves as president of the senior lawyers section of the American Bar Association. He noted that Mr. Bahner would be the speaker at the Senior Lawyers breakfast on Thursday morning. Mr. Patterson concluded his remarks by highlighting several other events scheduled over the next two days of the annual meeting.

11. ACCESS TO JUSTICE COMMISSION UPDATE

Ted Hosp, president of the Access to Justice Commission, (AJC) was recognized. He reported that this year had been a spectacular year for access to justice. He reported that the AJC had undertaken a strategic planning process that would be completed in the current year and that the initial plans included the possibility of hiring an executive director for AJC. Mr. Hosp reported that AJC would be, with the help of the Board of Bar Commissioners, encouraging firms to adopt pro bono policies. He stated that the AJC had developed checklists and model policies for firms of various types and these would be available electronically. President Methvin thanked Mr. Hosp and the AJC for its work.

12. BIRMINGHAM VLP UPDATE

Greg Hawley along with Judge Scott Vowell and Kelly Mauro appeared for the Birmingham VLP. Mr. Hawley noted that to date 276 cases have been opened and 135 closed by the program. Mr. Hawley reported that these figures exceeded the entire total for the previous year. He also stated that more than a thousand lawyers were now participating in the program. Judge Vowell made brief remarks as did Ms. Mauro. President Methvin thanked the representatives of the Birmingham VLP and praised their efforts in reorganizing and revitalizing the program.

13. NATIONAL PRO BONO WEEK REPORT

Jimbo Terrell and Commissioners Phil Mitchell and Rich Raleigh gave a report on National Pro Bono Week. Commissioner Mitchell talked about the task force's work and the continuation of last year's successful program. He presented President-elect Spruell with the actual proclamation signed by Governor Riley proclaiming Pro Bono Week in 2009 and flowers as a thank you for her leadership of last year's program. Following brief remarks from President-elect Alyce Spruell, Commissioner Mitchell stated that this year's program would concentrate on four specific areas: (1) proclamations in every circuit; (2) local speeches; (3) recruitment drives and (4) legal clinics. Royal Dumas of Montgomery who was responsible for organizing clinics for the Montgomery County Bar discussed the concept of organizing legal clinics. Finally, Commissioner Raleigh discussed the budget needs for the 2010 program. He stated that approximately \$12,000 would be needed to cover this year's activities, \$2,000 more than approved for last year.

14. BUDGET FOR PRO BONO WEEK 2010

Commissioner Raleigh discussed the budget for the 2010 Pro Bono Week program and stated that \$12,000 would be needed.

COMMISSIONER RALEIGH MOVED THE APPROVAL OF THE EXPENDITURE OF UP TO \$12,000 FOR THE 2010 PRO BONO WEEK. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. ALABAMA LAWYERS HALL OF FAME 2010 CLASS

President Methvin reported that the Selection Committee for the Alabama Lawyers Hall of Fame recommended the following individuals for inclusion in the 2010 class: Edgar Thomas Albritton, Judge James E. Horton, Lawrence Drew Redden and Harry Seale. He also stated that the committee recommended Henry Hitchcock for inclusion as a member who had been deceased more than 100 years.

COMMISSIONER BOONE MOVED THE INDUCTION OF EDGAR THOMAS ALBRITTON, JUDGE JAMES E. HORTON, LAWRENCE DREW REDDEN, HARRY SEALE AND HENRY HITCHCOCK IN THE 2010 CLASS OF THE ALABAMA LAWYERS HALL OF FAME. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. RULE III APPLICATIONS

President Methvin stated that three applicants were to be considered for admission by motion pursuant to Rule III of the *Alabama State Bar Rules Governing Admission*. They were Eddie Baylor Bassett (GA), Matthew Ivin Hetzel (MS) and Renee Andres Marierose (GA). He noted that each applicant had met the character and fitness requirements in order to be considered for admission by motion.

COMMISSIONER BEDSOLE MOVED THE ADMISSION OF EDDIE BAYLOR BASSETT, MATTHEW IVIN HETZEL AND RENEE ANDRES MARIEROSE PURSUANT TO RULE III OF THE *ALABAMA STATE BAR RULES GOVERNING ADMISSION*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. LAWYERS HALL OF FAME SELECTION COMMITTEE APPOINTMENTS

President Methvin stated that the following individuals were recommended for reappointment to the Lawyers Hall of Fame Selection Committee. He stated they were Sam Rumore, Honorable Helen Shores Lee, Fred B. Simpson. Everette Price was also being recommended for appointment to the committee.

COMMISSIONER PEEK MOVED THE REAPPOINTMENT OF SAM RUMORE, HONORABLE HELEN SHORES LEE, FRED B. SIMPSON AND APPOINTMENT OF EVERETTE PRICE TO THREE YEAR TERMS ON THE LAWYERS HALL OF FAME SELECTION COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. APPROVAL OF AMENDMENTS TO THE BYLAWS OF ENVIRONMENTAL LAW SECTION

President Methvin stated amendments to the bylaws of the Environmental Law Section had been included with the materials previously sent to the commission for their consideration.

COMMISSIONER PENTON MOVED THE APPROVAL OF THE RECOMMENDED AMENDMENTS TO THE BYLAWS OF THE ENVIRONMENTAL LAW SECTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the amended bylaws is included with these minutes as Appendix A.]

19. INSURANCE PROGRAMS – THE HARTFORD PROPOSAL

President Methvin stated that the Insurance Programs Committee had recommended at the last meeting the endorsement of a property and casualty insurance product offered by The Hartford Insurance Company through the bar's third party administrator, Insurance Specialists, Inc. He reminded the commission that the new product provides a commercial umbrella, commercial auto, comprehensive property and business liability as well as workers' compensation protection. He stated that all of these would be offered in a series of packages with both basic and enhanced coverage available.

COMMISSIONER WHITE MOVED THE ENDORSEMENT OF THE HARTFORD PROPOSAL AS RECOMMENDED BY THE INSURANCE PROGRAMS COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. RED FLAGS AMICUS BRIEF

President Methvin reported that in 2009, the American Bar Association filed a complaint against the Federal Trade Commission concerning rules it had drafted known as the Identity Theft Red Flags Rule. He stated that the complaint challenged the FTC's application of its Red Flags rule to lawyers. He noted that the action was filed in the United States District Court for the District of Columbia and that the district court ruled in favor of the ABA's position. President Methvin informed the commission that the FTC appealed that ruling and now the New York State Bar Association has filed an amicus brief in connection with the appeal and has asked state bars to join as amici curiae for the brief pending in the D.C. circuit.

COMMISSIONER WATSON MOVED TO AUTHORIZE THE ALABAMA STATE BAR TO THE BRIEF FILED BY THE NEW YORK STATE BAR ASSOCIATION AS AMICI CURIAE IN THE APPEAL INVOLVING THE FTC'S RED FLAGS RULE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. MOTION TO ADJOURN TO A DATE CERTAIN

President Methvin stated that the hour was late and there was still more business remaining for the commission to consider. He asked the pleasure of the commission.

COMMISSIONER MCCALLUM MOVED THAT UPON ADJOURNMENT THE COMMISSION ADJOURN TO A DATE CERTAIN, THAT BEING IMMEDIATELY FOLLOWING THE GRANDE CONVOCATION AND BUSINESS MEETING OF THE ALABAMA STATE BAR ON SATURDAY, JULY 17, 2010. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.