

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

**State Bar Building
Montgomery, Alabama**

Friday, September 8, 2017

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 board room of the Alabama State Bar building, Montgomery, Alabama. Commissioner Flynn Mozingo gave the invocation.

2. ROLL CALL

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

Halron W. Turner	J. Levi Nichols	Courtney R. Potthoff
Jana Russell Garner	Larry W. Morris	Terri O. Tompkins
Hays Webb	William H. Broome	Dana Grimes
Leslie R. Barineau	John A. Smyth, III	Barry A. Ragsdale
Robert G. Methvin, Jr.	LaBella S. Alvis	Michael D. Ermert
Allison O. Skinner	Brannon J. Buck	Kenneth Moore
C. Zack Moore	Frederick G. Helmsing, Jr.	Bryan E. Comer
James Rebarchak	Charles C. Tatum, Jr.	George R. Parker
Les Pittman	J. Flynn Mozingo	C. Gibson Vance
J. David Martin	Tom Perry, Jr.	William Randall May
Mark S. Boardman	Anne Malatia Glass	J. Kirkman Garrett
Manish H. Patel	Tazewell T. Shepard, III	M. Clay Martin
Clint L. Maze	J. Lynn Perry	J. Langford Floyd
Erskine R. Funderburg, Jr.	H. Thomas Heflin, Jr.	Roy W. Williams, Jr.
Robert H. Brogden	Jeffrey L. Bowling	Christy Williams Graham
Donald B. Mansell	Diandra S. Debrosse	Karen L. Laneaux
Kira Fonteneau	Jeanne Dowdle Rasco	Monet M. Gaines
John T. Stamps, III		

The following commissioners were absent:

Emily L. Baggett	Erik Stephen Heninger	Ralph E. Holt
Thad Yancey, Jr.	William R. Lancaster	Jeffery C. Duffey
Donald R. Rhea	Robert L. Bowers	R. Cliff Mendheim
John A. Brinkley, Jr.	Rebekah K. McKinney	Audrey O. Strawbridge

J. Daryl Burt
 Clinton H. Hyde
 Gregory M. Varner
 Latisha R. Davis

F. Patrick Loftin
 Andrew D. Stanley
 Brett A. King
 Rebecca G. DePalma

Steven D. Adcock
 Matthew C. Mitchell
 R. Cooper Shattuck

Also in attendance were President-elect Sam Irby and Immediate Past President Cole Portis. Staff members in attendance were: Douglas McElvy, Justin Aday, Eric Anderson, Angela Parks, Tripp Vickers, Jeremy McIntire, Robert Thornhill, Laura Calloway, Diane Locke, and Margaret Murphy. Also in attendance was Tracy Daniel, director of the Alabama Law Foundation.

3. **APPROVAL OF THE MINUTES OF THE JULY 12, 2017 AND JULY 15, 2017 BOARD MEETINGS AND THE MINUTES OF THE JULY 15, 2017 GRANDE CONVOCATION AND BUSINESS MEETING**

President Dowd stated that the minutes of the July 12, 2017 and July 15, 2017 Board Meetings and the minutes of the July 15, 2017 Grande Convocation and Annual Business Meeting had been transcribed and circulated prior to the meeting. She asked if there were any corrections, additions, or deletions. There were none.

COMMISSIONER SHEPARD MOVED TO APPROVE THE MINUTES OF THE JULY 12, 2017 AND JULY 15, 2017 BOARD MEETINGS AND THE MINUTES OF THE JULY 15, 2017 GRANDE CONVOCATION AND ANNUAL BUSINESS MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

4. **INTRODUCTION OF GUESTS**

President Dowd recognized special guests including Edgar Black, president of the Colbert County Bar Association, Lee Knowles, president of the Geneva County Bar Association, Amy Marshall, president of the Coffee County Bar Association, Rocky Watson, former commissioner from Ft. Payne, Juan Ortega, chair of the Alabama State Bar Member Benefits Committee, and Cindy Seeley, executive director of the Huntsville-Madison County Bar Association.

5. **GUEST SPEAKER: CHIEF JUSTICE LYN STUART, SUPREME COURT OF ALABAMA AND SPECIAL GUEST: JUSTICE MIKE BOLIN, SUPREME COURT OF ALABAMA**

President Dowd recognized Chief Justice Lyn Stuart and Justice Mike Bolin of the Supreme Court of Alabama and thanked them for attending the commission meeting. President Dowd also recognized the leadership and partnership of Chief Justice Stuart and Justice Bolin, who serves as the Supreme Court's liaison justice to the Alabama State Bar.

Chief Justice Stuart also thanked Justice Bolin for serving as liaison justice to the Alabama State Bar and thanked the commission and bar officers for working so hard to build relationships between the bar and the judiciary. Chief Justice Stuart gave a brief update on the current state of the judiciary in Alabama. Specifically, the Chief Justice reported that there are 38 new trial court judges who have taken the bench in the past 18 months. She reported that the Supreme Court has funded most of these new judges to attend the National Judicial College for critical training.

Chief Justice Stuart gave an update on court funding and the request made for funding in the Fiscal Year 2018 budget. Specifically, the Chief Justice reported that she has committed to only asking for funding if the court system can show that the funds are absolutely necessary for the administration of justice. She also reported on how the courts are now able to show, by county, how court fees are collected and distributed. This type of reporting has been valuable to legislators who are considering funding for the court system.

In closing, Chief Justice Stuart gave an update on the Judicial Reallocation Commission, which has been appointed and is scheduled to meet for the first time in January 2018. She expects the commission to prepare an initial report to the legislature. She also reminded the commission that changes cannot be made earlier than 2020. She encouraged all of those in attendance to attend the first meeting of the Judicial Reallocation Commission, which will be open to the public.

President Dowd recognized Justice Mike Bolin and invited him to address the commission. Justice Bolin stated that he was proud to be liaison justice to the bar. He stated that bar governance and bar leadership is currently in great hands and that he is encouraged by the relationship between the Court and the bar.

6. **REPRIMANDS**

6.a. Arthur Davis Shores Lee, Birmingham, ASB 2015-716

Mr. Lee received a public reprimand without general publication violating Rule 1.5(a) of the *Alabama Rules of Professional Conduct*.

6.b. Clinton Chadwell Carter, Montgomery, Rule 25(a), Pet. No. 2016-644

Mr. Carter received a public reprimand without general publication as reciprocal discipline pursuant to Rule 25, *Alabama Rules of Disciplinary Procedure* for violating Rules 1.1, 1.4, 3.1, 5.5 and 8.4(a) and (d) of the *Alabama Rules of Professional Conduct*.

6.c. Alfred Dudlow Norris, III, Montgomery, ASB 2016-1497

Mr. Norris received a public reprimand with general publication for violating Rules 1.4(a) and (b), 1.5(b), 1.15(a), 1.16(d) and 8.4 (c) and (g) of the *Alabama Rules of Professional Conduct*.

7. **PRESIDENT'S REPORT**

President Dowd stated that she was appreciative of the opportunity to serve as president of the Alabama State Bar. She reported that planning of initiatives for the bar year started with the Executive Council Retreat in August. She also reported that she has made great progress on committee and task force appointments, and thanked staff members who had assisted with that process. The president thanked Commissioners Lang Floyd and Mike Ermert for their efforts on judicial reallocation and reported that she had appointed Judge Jim Reid (retired) and Harold Stephens to the Judicial Reallocation Commission.

President Dowd informed the commission of a Bar Leadership Symposium to be held on September 28, 2017. She also commented that she and the executive director have several speaking engagements lined up in an effort to build relationships with local bars and other groups around the state. President Dowd concluded by giving a brief update on the potential reorganization of the Office of General Counsel and informed the commission that more specific details should be available at the October meeting after the bar receives guidance from the Supreme Court.

8. **SECRETARY'S REPORT**

Secretary McCallum recognized Commissioner Bill Broome who continues to improve with ongoing cancer treatment. He also recognized Immediate Past President Cole Portis who is celebrating a birthday on this date. Mr. McCallum informed the commission of the passing of former commissioner Tommy Chapman of Evergreen and a recent cancer diagnosis and resignation announcement of Bo Landrum, executive director of the Birmingham Bar Association.

Secretary McCallum informed the commission that he is making a priority to streamline communications to and from the Alabama State Bar. In addition, an emphasis is being placed on outreach to local bars and other organizations. Finally, Mr. McCallum presented the Executive Director "MVP" award to Commissioner Leslie Barineau who is serving as president of the National Association of Bar Foundations.

9. **OFFICE OF GENERAL COUNSEL REPORT**

Acting General Counsel Douglas McElvy stated that our bar was blessed to have the current leadership at the Alabama State Bar and to have new leadership at the Supreme Court of Alabama. He said that the Office of General Counsel is in a time of transition and the degree of transition still depends on direction from the Supreme Court. In the meantime, Mr. McElvy commended the work of the three attorneys who serve as Assistant General Counsel, including the 95 free CLE programs they presented in the last year.

10. DIGITAL COMMUNICATIONS UPDATE

Director of Digital Communications Eric Anderson updated the commission on the ongoing Consolidated Fee Invoice process. He reminded the commission that this is the first year in which the bar did not mail paper invoices. There has been a higher level of support calls this year, but all calls have been answered and issues resolved. As of the date of this meeting, approximately 12% of members have either paid their invoice online or printed a voucher for check payment.

11. PRESENTATION OF LONG RANGE STRATEGIC PLANNING TASK FORCE REPORT

Commissioner Allison Skinner and Royal Dumas, co-chairs of the Long Range Strategic Planning Task Force presented the final report of the task force. This report constitutes long range planning recommendations for the Alabama State Bar for 2017-2022. The initial report was presented at the July 2017 meeting of the commission and two open conference calls have been held in the intervening time. The final report includes additions and changes recommended on the two open conference calls.

COMMISSIONER PERRY MOVED TO MAKE THIS AN ACTION ITEM. THE MOTION WAS SECONDED BY COMMISSIONER MOZINGO AND APPROVED BY THE NECESSARY TWO THIRDS VOTE.

COMMISSIONER GLASS THEN MOVED TO ADOPT THE FINAL REPORT OF THE LONG RANGE STRATEGIC PLANNING TASK FORCE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

12. MEMBER BENEFIT PRESENTATION

Cindy Seeley, Executive Director of the Huntsville-Madison County Bar Association, updated the commission on the insurance benefit offered to members of the Alabama State Bar who join the Huntsville-Madison County Bar Association as associate members. Ms. Seeley encouraged others to take advantage of this benefit and informed the commission that the insurance benefit offered extends to the attorney who joins as an associate member and to all of his or her staff members.

13. LEADERSHIP FORUM UPDATE

Commissioner George Parker informed the commission that applications are being accepted for Leadership Class 14, with a deadline of October 16, 2017. He encouraged commissioners to identify qualified members and to encourage them to apply for Leadership Forum.

14. PRO BONO MONTH CELEBRATION UPDATE

Commissioner Jana Garner updated the commission on planning that is underway for the 9th Annual Pro Bono Celebration in Alabama. October is designated as Pro Bono Month in Alabama and the statewide celebration event is scheduled for October 12, 2017 at the Federal Courthouse in Tuscaloosa. Commissioner Garner informed the commission that Alabama has the highest pro bono rate in the nation and the highest per capita pro bono participation in the nation.

15. CHANGE MEMBER BENEFITS TASK FORCE TO A STANDING COMMITTEE

President Dowd informed the commission of a couple of changes to current committees. First, the Insurance Committee is being deactivated and its role is being folded into the work of the Member Benefits Task Force. In addition, President Dowd stated that her recommendation would be for the commission to consider changing the Member Benefits Task Force to a standing committee.

COMMISSIONER SKINNER MOVED TO MAKE THIS AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO THIRDS VOTE.

COMMISSIONER GLASS THEN MOVED TO CHANGE THE MEMBER BENEFITS TASK FORCE TO A STANDING COMMITTEE. THE MOTION WAS SECONDED BY COMMISSIONER HEFLIN AND APPROVED BY VOICE VOTE.

16. DISCUSSION OF RULE 33(a) OF THE RULES OF DISCIPLINARY PROCEDURE

President Dowd updated the commission on recent changes to the *Rules of Disciplinary Procedure*, which were recommended by the commission and approved by the Supreme Court. These changes were made to allow for publication of certain discipline on the Alabama State Bar website. Upon further review of the changes, it was recommended that additional changes be made to provide for appropriate publication of certain discipline on the Alabama State Bar website.

COMMISSIONER GARNER MOVED TO MAKE THIS AN ACTION ITEM. THE MOTION WAS SECONDED BY COMMISSIONER ERMERT AND APPROVED BY THE NECESSARY TWO THIRDS VOTE.

COMMISSIONER PERRY THEN MOVED TO RECOMMEND THE CURRENT CHANGES TO RULE 33(a) OF THE *RULES OF DISCIPLINARY PROCEDURE* AND TO TRANSMIT THE RECOMMENDED CHANGE TO THE SUPREME COURT OF ALABAMA FOR APPROVAL. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. RULE III APPLICATIONS

The president reported that Dana Fleming Allen (GA); Paul David Carlson (KS) and James Joseph Eufinger (MO) had requested admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. She stated that each candidate had met the requirements of Rule III in order to be considered for admission.

COMMISSIONER PARKER MOVED THE ADMISSION OF DANA FLEMING ALLEN, PAUL DAVID CARLSON AND JAMES JOSEPH EUFINGER FOR ADMISSION TO THE ALABAMA STATE BAR PURSUANT TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. APPROVAL OF DELEGATE TO THE ABA HOUSE OF DELEGATES

President Dowd informed the commission that Clark Cooper had resigned his position as Delegate of the ABA House of Delegates. She presented entered the names of Greg Cook, Billy Coplin, Richard Gaal, and Michael Vercher as nominees for the position.

COMMISSIONER COMER MOVED TO CLOSE NOMINATIONS FOR DELEGATE TO THE ABA HOUSE OF DELEGATES. AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED ON EACH NOMINEE AND MICHAEL VERCHER, HAVING RECEIVED THE MAJORITY OF VOTES, WAS SELECTED TO SERVE AS A DELEGATE TO THE ABA HOUSE OF DELEGATES.

19. APPROVAL OF INDIGENT DEFENSE ADVISORY BOARD APPOINTMENTS

President Dowd informed the commission that Judge Joseph L. Boohaker, presiding judge of the 10th Judicial Circuit, recommended Brett C. Bloomston, Maria C. Fortune and Ross Kinder for appointment to the Indigent Defense Advisory Board and that the recommendation is unanimously supported by the Jefferson County delegation of the commission.

COMMISSIONER PITTMAN MOVED TO APPROVE BRETT C. BLOOMSTON, MARIA C. FORTUNE AND ROSS KINDER FOR APPOINTMENT TO THE INDIGENT DEFENSE ADVISORY BOARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. APPOINTMENT TO THE PRIVATE INVESTIGATORS BOARD

President Dowd informed the commission that it has an appointment to the Private Investigators Board, but that no nominations had been received. The president called for nominations from the floor and received none. This item was carried over to the commission meeting to be held on October 13, 2017.

21. STAFF COMPENSATION FY2017-18

President Dowd explained that a total of \$3,352,095 was recommended for staff compensation for FY2017-18.

COMMISSIONER MAZE MOVED TO APPROVE STAFF COMPENSATION FOR FY2017-18 IN THE AMOUNT OF \$3,352,095. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. 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 by to adjourn. The motion was approved by voice vote.

Augusta S. Dowd, President
Alabama State Bar

ATTEST:

Phillip W. McCallum, Secretary
Alabama State Bar