

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

University of Alabama School of Law
Tuscaloosa, Alabama

Friday, October 13, 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 Moot Court Room of the University of Alabama School of Law, Tuscaloosa, Alabama. Commissioner Terri Tompkins gave the invocation.

2. ROLL CALL

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

LaBella S. Alvis	Emily L. Baggett	Leslie R. Barineau
Mark S. Boardman	Jeffrey L. Bowling	Robert H. Brogden
William H. Broome	Brannon J. Buck	Daryl Burt
Bryan E. Comer	Diandra S. Debrosse	Michael D. Ermert
Kira Y. Fonteneau	Monet M. Gaines	Jana R. Garner
Anne Malatia Glass	Dana Grimes	H. Thomas Heflin, Jr.
Frederick G. Helmsing, Jr.	Erik Stephen Heninger	Ralph E. Holt
Clinton H. Hyde	Brett A. King	William R. Lancaster
Donald B. Mansell	M. Clay Martin	David Martin
William Randall May	Clint L. Maze	Rebekah Keith McKinney
R. Cliff Mendheim	Robert G. Methvin, Jr.	Matthew C. Mitchell
Kenneth Moore	Larry W. Morris	J. Flynn Mozingo
George R. Parker	Tom Perry, Jr.	Courtney R. Potthoff
Barry A. Ragsdale	Jeanne Dowdle Rasco	James Rebarchak
Donald R. Rhea	R. Cooper Shattuck	Tazewell T. Shepard
Allison O. Skinner	John A. Smyth	John T. Stamps
Audrey O. Strawbridge	Charles C. Tatum, Jr.	Terri O. Tompkins
Halron W. Turner	C. Gibson Vance	Hays Webb

The following commissioners were absent:

Steven D. Adcock	Robert L. Bowers, Jr.	John A. Brinkley, Jr.
Latisha R. Davis	Rebecca G. DePalma	Jeffery C. Duffey

J. Langford Floyd	Erskine R. Funderburg, Jr.	J. Kirkman Garrett
Karen Laneaux	F. Patrick Loftin	Charles Zachery Moore
J. Levi Nichols	Manish H. Patel	James Lynn Perry
Les Pittman	Andrew D. Stanley	Gregory M. Varner
Roy W. Williams, Jr.	Thad Yancey, Jr.	

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, Laura Calloway, Linda Lund, Diane Locke, Merinda Hall, and Margaret Murphy. Also in attendance were Lee Johnsey, President, Young Lawyers Section and Legislative Counsel Suzi Huffaker.

3. INTRODUCTION OF GUESTS

President Dowd recognized special guests including Chief Justice Lyn Stuart, Associate Justice Mike Bolin, Past President Rich Raleigh, Rocky Watson, Mark Brandon, dean of the University of Alabama School of Law, Phil Mitchell, board member of Legal Services Alabama, Ford Mozingo, son of Commissioner Flynn Mozingo, Karstin Brewis, daughter of Commissioner Dana Grimes, Floyd Gaines, Henry Henzel, president of Attorneys Insurance Mutual, Scott Holmes, president of the Tuscaloosa County Bar, Jonathan Cross, and Mike Eidson.

4. WELCOME BY DEAN MARK BRANDON, UNIVERSITY OF ALABAMA SCHOOL OF LAW

Dean Brandon welcomed the Board to the University of Alabama School of Law. He told the commissioners that he was grateful for the work each one of them does for the citizens and residents of Alabama. Dean Brandon encouraged the commissioners to let him know if the law school could be of assistance in the ongoing work of the Board and the Alabama State Bar.

5. APPROVAL OF THE MINUTES OF THE SEPTEMBER 8, 2017 BOARD MEETING

President Dowd stated that the minutes of the September 8, 2017 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 SEPTEMBER 8, 2017 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

6. **PRESIDENT'S REPORT**

President Dowd updated the commission on events that had happened since the last meeting and those that are ongoing. In particular, she promoted October as Pro Bono Month in Alabama and reported on the Pro Bono Celebration that was held on October 12, 2017 at the federal courthouse in Tuscaloosa. President Dowd recognized Commissioners Jana Garner and Terri Tompkins, Linda Lund and Josh Hayes for their work in coordinating the Pro Bono Celebration event.

President Dowd also reported on speaking engagements that she has done since the last board meeting. These engagements include presentations to local bars, speaking at the Opening of Court ceremony, the Admissions Ceremony, and to students at Cumberland School of Law. She also reported on the Leadership Symposium that was held at the State Bar building in September 2017.

President Dowd commended those assisted with planning and executing the board meeting in Tuscaloosa. She also reminded the commissioners that the March 2018 board meeting will be held in Mobile and that the date is likely changing from March 9, 2018 to March 2, 2018. She closed by informing the commission that there would be an opening on the Court of the Judiciary and that she encouraged commissioners to give thought of those who would be qualified nominees for that position and to submit names to her.

7. **SECRETARY / EXECUTIVE DIRECTOR REPORT**

Secretary/Executive Director McCallum recognized Jim Standridge of Tuscaloosa for his many contributions to the Alabama State Bar and particularly the assistance he has given to many attorneys participating in the Alabama Lawyer Assistance Program (ALAP). Mr. McCallum presented Mr. Standridge the Executive Director "MVP" award and thanked him for the positive impact he has had on so many Alabama attorneys.

Secretary McCallum updated the commission on his efforts to visit local bars and bring them the "State of the Bar" program which is a new initiative. He also informed the commission that Rule III (reciprocity) applications would no longer be presented as action items before the commission, as doing so creates a conflict with his responsibilities under Rule III of the *Rules Governing Admission to the Alabama State Bar*. He also reminded the commissioners that Monday, October 16, 2017, is the deadline for Leadership Forum applications. Mr. McCallum closed his report by introducing Alex Rice, communications coordinator for the Alabama State Bar.

8. OFFICE OF GENERAL COUNSEL REPORT

Acting General Counsel Douglas McElvy updated the commission on the proposed amendment to Rule 33 of the *Rules of Disciplinary Procedure*. He informed the commission that changes approved by the commission at the September 8, 2017 board meeting were approved by the Supreme Court. As a result, the Alabama State Bar website will contain information on lawyers disciplined if the discipline was public with general publication and was rendered on or after January 1, 2018. Mr. McElvy also informed the commission that the bar's website will soon include the status of each member of the Alabama State Bar, discipline without general publication (with names redacted), and a rule-based research component for lawyers and the public.

9. FINANCIAL REPORT

Director of Finance Merinda Hall presented a fourth quarter report for FY2017 and the FY2017 year-end report. Mrs. Hall informed the commission that there was a surplus in FY2017, which is the first surplus for the bar in nine years. She also noted that the surplus is mostly likely the result of a recent increase to occupational license and special membership fees. Mrs. Hall presented information on the FY2019 budget that must be approved for submission to the state budget office. The budget, as presented by Mrs. Hall, totals \$6.97 million and is level funded over the FY2018 budget.

10. PRESENTATION PRO BONO CELEBRATION COMMITTEE

Commissioner Jana Garner gave a report on the Pro Bono Celebration reception held on October 12, 2017, at the federal courthouse in Tuscaloosa. She reported that the event was a success and well attended. She reminded the commission that access to justice is a priority in Alabama and that is evidenced by the recent action of the commission to provide MCLE credit for pro bono services.

Commissioner Garner thanked President Dowd, Commissioner Terri Tompkins, Linda Lund, director of the Alabama State Bar Volunteer Lawyers Program, and Scott Holmes, president of the Tuscaloosa County Bar Association for their contributions to the success of the Pro Bono Celebration events. She also reminded the commissioners that pro bono in Alabama is celebrated the entire month of October and that there are still many events in which they can participate.

Commissioner Garner recognized Ms. Lee Davis, chair of the law school involvement committee of the Pro Bono Task Force. Ms. Davis recognized law students who have volunteered throughout the month to assist with Pro Bono Month events. Those students recognized were Lea Luterstein and Shelby Hudspith (University of Alabama School of Law), Jamillah Pritchett and Stephanie Gushlaw (Cumberland School of Law), and Margaret Wells and Theresa Basile (Faulkner University Jones School of Law).

11. LEGAL SERVICES OF ALABAMA PRESENTATION

Phil Mitchell, board member for Legal Services of Alabama (LSA), updated the commission to recent board and staff changes at LSA. In particular, Mr. Mitchell informed the commission that two LSA board members who are appointed by the commission have resigned. He also provided context for a recent independent investigation into the conduct of former LSA executive director Artur Davis. Mr. Mitchell informed the commission that LSA is currently operating under an interim executive director and that the search process for the next permanent executive director is being developed.

12. CHANGE LOCAL BAR TASK FORCE TO STANDING COMMITTEE

Commissioner Gibson Vance, reported on the Local Bar Task Force, which was created and appointed by Immediate Past President Cole Portis. Commissioner Vance reported that the task force has been active over the past year in visiting local bars and informing their members of the work and services of the Alabama State Bar. Commissioner Vance encouraged the commission to consider changing the Local Bar Task Force from a task force to a standing committee of the state bar.

COMMISSIONER GAINES 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 LOCAL BAR TASK FORCE TO A STANDING COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

13. PROPOSED AMENDMENTS TO RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR

Director of Admissions Justin Aday and Commissioner George Parker presented the commission with several amendments to the *Rules Governing Admission to the Alabama State Bar*. The amendments included the following; (1) removal of the resident/non-resident distinction for applicants for admission; (2) amendments to clarify and provide consistent language throughout the rules; (3) adjustment to the timeframe for validity of MPRE scores earned by UBE Score Transfer applicants; (4) clarification of the rule pertaining to the undergraduate educational qualifications of graduates of non-ABA law schools; (5) increase to the UBE Score Transfer application fee; and (6) adjustment to the timing of character and fitness hearings, to provide that hearings may be held after the release of bar exam results.

Mr. Aday informed the commission that these amendments would modernize the rules and help to increase efficiency in work processes of the Admissions Office. Commissioner Parker informed the commission that he had assisted in drafting the proposed amendments and that he supports their approval.

14. LEGISLATIVE UPDATE

Legislative Counsel Suzi Huffaker reminded the commission that out of 140 legislators only 18 are lawyers. She also informed the commission that there is only one female lawyer-legislator in Alabama. Mrs. Huffaker commended the work of Chief Justice Lyn Stuart in leading the Supreme Court of Alabama, but especially for compiling statistics from the clerks' offices across the state which shows where court costs are directed. She reminded the commissioners that they were provided a breakdown of these costs in their respective counties. Mrs. Huffaker reminded the commissioners that court funding/court costs should be an internal part of the bar's position on the administration of and access to justice. Commissioners should provide information to their legislators to discourage local bills raising court costs. She emphasized that Alabama's court costs are among the highest in the country and we should strive to insure access to our courts for all Alabamians.

15. APPROVAL OF ALABAMA LAWYERS HALL OF FAME SELECTION COMMITTEE APPOINTMENTS

President Dowd reported that the terms of Everette Price, Sam Rumore, Edward S. Sledge, IV and Sandra Lewis on the Alabama Lawyers Hall of Fame Selection Committee have expired. She stated that each has shown a willingness to serve, if appointed by the commission to another term on the selection committee.

COMMISSIONER DEBROSSE MOVED TO CLOSE NOMINATIONS FOR THE ALABAMA LAWYERS HALL OF FAME SELECTION COMMITTEE. COMMISSIONER HEFLIN MOVED TO APPROVE EVERETTE PRICE, SAM RUMORE, EDWARD S. SLEDGE, IV AND SANDRA LEWIS FOR APPOINTMENT TO THE ALABAMA LAWYERS HALL OF FAME SELECTION COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. APPROVAL APPOINTMENT TO PRIVATE INVESTIGATORS BOARD

President Dowd informed the commission that is responsible for filling a position on the Alabama Private Investigators Board. She reported that she had received nominations for Don Mansell, Will Coxwell and Teresa B. Watson.

COMMISSIONER MAZE MOVED TO CLOSE NOMINATIONS FOR THE ALABAMA PRIVATE INVESTIGATORS BOARD. AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED ON EACH NOMINEE AND DON MANSELL, HAVING RECEIVED THE MAJORITY OF VOTES, WAS APPOINTED TO THE ALABAMA PRIVATE INVESTIGATORS BOARD.

17. 2018 – 2019 BUDGET REQUEST

President Dowd reviewed the requested budget for FY2019, as previously reported by Finance Director Merinda Hall. Mrs. Hall had stated that the requested amount is \$6,970,000, which is level funded as compared to the FY2018 budget request.

COMMISSIONER BROOME MOVED TO APPROVE THE BUDGET AS PRESENTED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. EXECUTIVE SESSION

President Dowd stated that it was necessary for there to be an executive session in order to discuss proposed changes within the Office of General Counsel. Vice President Diandra Debrosse requested that for purposes of discussing information involving sensitive and ongoing legal issues, it was necessary for the commission to move to executive session. Ms. Debrosse furnished a lawyer's statement pursuant to Alabama Code Section 36-25-A-7(a)(3), which is incorporated herein and made a part of these minutes and appears as Appendix A.

President Dowd stated that the commission would resume its regular meeting following the executive session. She asked for a motion calling for the executive session so that Ms. Debrosse could properly advise the commission.

COMMISSIONER GARNER MOVED, WITHOUT OBJECTION, THAT THE BOARD OF COMMISSIONERS ENTER INTO EXECUTIVE SESSION. THE MOTION WAS SECONDED AND, BY A SHOW OF HANDS, APPROVED UNANIMOUSLY.

All non-board members were excused from the board room for the duration of the executive session.

AT THE CONCLUSION OF THE EXECUTIVE SESSION, COMMISSIONER MAZE OFFERED A MOTION TO RESUME THE COMMISSION MEETING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

After resuming the commission meeting no action was taken regarding said executive meeting.

19. 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.

Augusta S. Dowd, President
Alabama State Bar

ATTEST:

Phillip W. McCallum, Secretary
Alabama State Bar