

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Alabama State Bar
Montgomery, Alabama

Friday, May 19, 2006

1. CALL TO ORDER

President Bobby Segall 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 in Montgomery. Commissioner Knight gave the invocation.

2. ROLL CALL

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

Randall K. Bozeman	Oliver Kitchens	Cooper Shattuck
Alyce M. Spruell	William H. Broome	Robert K. Jordan
Anthony A. Joseph	S. Greg Burge	Phillip W. McCallum
Maibeth J. Porter	William A. (Pete) Short	Robert E. Moorer
Carol H. Stewart	William M. Cunningham	Albert J. Trousdale, II
Michael D. Knight	Charles R. Stephens, Sr.	Cecilia J. Collins
Mary Margaret Bailey	Sim Penton	James H. Anderson
Donald R. Jones, Jr.	K. Scott Stapp	James E. Williams
F. Michael Haney	Harold Stephens	Robert L. Bowers, Jr.
Joseph A. Morris	John E. Paluzzi	L. Thomas Ryan, Jr.
Richard J.R. Raleigh, Jr.	Tut Wynne	Kenneth E. White, III
Samuel N. Crosby	John M. Kennemer	R. Blake Lazenby
Elizabeth Parsons	Robert T. Meadows, III	Roy W. Williams, Jr.
Robert H. Brogden	David F. Law	Gerald R. Paulk
Jere C. Trent	Merceria Ludgood	Wayman Sherrer
Deborah Byrd Walker	Kelly T. Lee	Pamela H. Bucy
Dawn Wiggins Hare		

The following Commissioners were absent:

Ronnie E. Keahey	Louis C. Rutland	Phillip Henry Pitts
Nicholas B. Roth	Jack Neal	Edward P. Meyerson
Terry L. Butts	Billy C. Bedsole	Les Hayes, III
Thomas J. Methvin	John E. Medaris	Everette A. Price, Jr.
Thomas B. Albritton	William H. Atkinson	Dan Warnes
Roger Bedford, Jr.	David T. Hyde	Timothy D. Littrell
Walter E. McGowan	Claude E. Hundley, III	Alicia F. Bennett
Kyra Sparks	Joseph A. Fawal	

Also in attendance were President-elect Boots Gale and Immediate Past President Douglas McElvy. Staff members present included Tony McLain, Ed Patterson, Sam Partridge, Jeremy McIntire, Susan Andres, Linda Lund, Anita Hamlett and Amy Shell. Judy Keegan, Director of Alabama Center for Dispute Resolution and Tracy Daniel, Director of the Alabama Law Foundation were also in attendance.

3. APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR APRIL 14, 2006

President Segall stated that the minutes of the Board of Commissioners meeting on April 14, 2006 had been disseminated to the Board. He asked if there were any corrections, additions or deletions.

Commissioner Joseph stated that his name was not included in those attending the meeting. The Secretary noted the correction.

COMMISSIONER BROOME MOVED THE APPROVAL OF THE MINUTES OF THE BOARD OF BAR COMMISSIONERS MEETING FOR APRIL 14, 2006 AS CORRECTED. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY VOICE VOTE.

4. INTRODUCTION OF GUESTS

President Segall recognized Mr. Trey Koons, president of the Baldwin County Bar Association. He stated that other guests would be introduced as a part of their presentations before the Board of Bar Commissioners.

5. PUBLIC REPRIMANDS

5.1. Johnny Mack Turner, Birmingham, ASB 04-280(A)

Mr. Turner entered a plea of guilty for violating Rule 8.4(a) of the *Alabama Rules of Professional Conduct [ARPC]* and received a public reprimand without general publication.

5.2. Henry Clyde Dailey, Jr., Birmingham, ASB 04-292(A)

Mr. Dailey received a public reprimand with general publication for violating Rule 7.3 of *ARPC*.

5.3. Lawton Dale Fuller, Marshall County, ASB 05-143(A)

Mr. Fuller received a public reprimand with general publication for violating Rules 1.1, 1.2, 1.3, 1.4(b) and 8.1(b) of *ARPC*.

5.4 Willie Julius Huntley, Jr., Mobile, ASB 04-55(A)

Mr. Huntley received a public reprimand with general publication for violating Rules 3.3, 8.4(c) and 8.4(d) of *ARPC*.

6. PRESIDENT'S REPORT

President Segall expressed his appreciation to Carol Ann Smith and Janet Akers who co-chaired the Law Day program recognizing the *Browder v. Gayle* decision. He stated that he had many calls and e-mails praising the program. He thanked all of those who made the program a success.

Next, President Segall recognized the retiring Commissioners and thanked each one of them for their service. The retiring Commissioners were: Randy Bozeman, Henry Pitts, Bob Jordan, Ed Meyerson, Carol Stewart, Terry Butts, James Williams, John Paluzzi, Dan Warnes and Blake Lazenby. The Board of Commissioners gave the retiring Commissioners a round of applause.

President Segall then discussed the recent graduating class of the second Alabama State Bar Leadership Forum. He stated that the 2006 program had been co-chaired by Commissioner Alyce Spruell and Tripp Haston of Birmingham. He noted that the group was an impressive group and that great things were expected of them. President Segall then read the names of the class members:

Christopher F. Abel	Gadsden
F. Wendell Allen	Birmingham
A. Vernon Barnett, IV	Montgomery
Robert E. Battle	Birmingham
Brannon J. Buck	Birmingham
Tracy W. Cary	Dothan
Shayana Boyd Davis	Birmingham
Helen Kathryn Downs	Birmingham
Missy Homan Hibbett	Tuscumbia
James F. Hughey, III	Birmingham
Wyndall A. Ivey	Birmingham
Keith Jackson	Birmingham
Tracie B. Lee	Mobile
Tara Waller Lockett	Daphne
Jonathan M. Lusk	Guntersville
Champ Lyons, III	Birmingham
Foster Fitzpatrick Marshall	Anniston
Kim Bessiere Martin	Huntsville
Robert G. Methvin, Jr.	Birmingham
Matthew C. Minner	Birmingham
Julie Sorrells Moody	Andalusia
Joseph E. Powell	Tuscaloosa
Thomas A. Radney	Alexander City
Patrick L.W. Sefton	Montgomery
Roman Ashley Shaul	Montgomery
Pamela B. Slate	Montgomery
Brian R. Smith	Livingston
Sandra Ingram Speakman	Montgomery
Aldos S. Vance	Birmingham
Jon G. Waggoner	Auburn

President Segall announced that Communications Director Susan Andres was retiring. He stated that Mrs. Andres and her husband Hoyt, would be moving to Highlands, North Carolina. He expressed the appreciation of the entire Commission for her loyalty and dedication during her 12 years of service to the Alabama State Bar. The Board of Commissioners gave Mrs. Andres a standing ovation.

President Segall announced that Commissioners Knight, Walker and Paulk would serve as the Nominating Committee and that Commissioner Knight would serve as chair. He encouraged Commissioners with any suggestions for nominations to contact the Nominating Committee.

Finally, President Segall stated that the Elections Committee would include Commissioners Penton, Lee and Bowers.

7. SECRETARY'S REPORT

The Secretary reminded the Commission of the deadlines for ballots and the dates when the ballots would be certified. He also announced that the member file scanning project was underway. He stated that the license fee increase of \$50.00 would become effective October 1. The Secretary then introduced Amy Shell, the newest employee of the Alabama State Bar and the new web administrator. He stated that in the short time that she had been at the bar, she had already made much progress. He noted that Amy would be a valuable addition to the state bar staff. The Secretary then stated that the 2006-2007 dates for the Board of Bar Commissioners meetings had disseminated to the Commission. He encouraged Commissioners to mark their calendars with these dates. The Secretary next reviewed the financial statement for the second quarter. He stated that revenues were slightly ahead of the previous year and that disbursements were approximately \$212,000 under budget. After reviewing other aspects of the financial statement, he asked if there were any questions. There were none.

The Secretary provided the Commission with an overview of the bar examination statistics for the February 2006 examination. He informed the Commission that the statistics were available on the bar's website. He also informed the Commission that the Spring Admission Ceremony would be the following Wednesday (May 24) at the Davis Theater. The Secretary concluded by noting that he had received a memorial resolution from the Mobile Bar Association honoring the late Evan Austill.

COMMISSIONER COLLINS MOVED TO ACCEPT THE RESOLUTION AND PLACE IT IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

8. COMMUNICATIONS UPDATE

Mrs. Andres provided the Communications update. One of the items that she highlighted in her report was the NCSA program with the Alabama Broadcasters Association. She stated that the state bar radio and TV announcements aired over 7,000 times in the first five months with a value in excess of \$240,000.

9. **PROGRAM UPDATE**

Ed Patterson discussed the success of the second Leadership Forum and commented on the outstanding graduates of the program. He then discussed the Divorce Mediation brochure that was being prepared by the Center for Dispute Resolution.

10. **JUDICIAL LIAISON COMMITTEE**

President Segall stated that Sam Franklin, co-chair of the committee was present to answer any questions concerning the Judicial Liaison Committee proposals. He stated that there were two proposals for the Commission to act on. The first was a new protocol to respond to unfair criticism of the judiciary. The second was a judicial scholarship program to raise funds and provide scholarships of up to \$3,000 for judges to attend the National Judicial College in Reno, NV. He asked if there were any questions. There were none.

COMMISSIONER CROSBY MOVED THE ADOPTION OF THE PROTOCOL TO RESPOND TO UNFAIR CRITICISM OF THE JUDICIARY AND THE JUDICIAL SCHOLARSHIP PROGRAM. THE MOTION WAS SECONDED. THE PRESIDENT ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

President Segall thanked Mr. Franklin and Mr. Beasley and their committee for the outstanding work they had done on these proposals.

(Alabama State Bar Protocol for Responding to Unfair Criticism of Judges, Courts and Administration of Justice is attached to these minutes as Appendix A. A copy of the draft letter to be used to solicit funds and the operational outline for the Judicial Scholarship Program is attached to these minutes as Appendix B).

11. **RECIPROCITY AND PRO HAC VICE PRO BONO RULE CHANGES**

President Segall stated that the Reciprocity Task Force had recommended a reciprocity rule to permit out of state lawyers who either become residents of Alabama or have at least 75 percent of their practice in Alabama be admitted without examination. He remarked that the jurisdiction where these lawyers were admitted must similarly admit Alabama lawyers. He further noted that the task force recommended changes to the *pro hac vice* rules (Rule VII of the Alabama State Bar Rules Governing Admission) in order to streamline the process for out of state lawyers who appear and represent indigent defendants both in trial and post trial proceedings. President Segall stated that the reciprocity proposal and the *pro hac vice* rule changes would be voted on separately. He stated that Mr. Robert Huffaker, chair of the committee was present to answer any questions.

President Segall asked if there were any questions concerning the reciprocity proposal. There were none.

COMMISSIONER LAZENBY MOVED THE ADOPTION OF THE TASK FORCE RECOMMENDATION FOR ADMISSION WITHOUT EXAMINATION. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

President Segall asked if there were any questions concerning the *pro hac vice* rule changes. There were no questions.

COMMISSIONER LUDGOOD MOVED THE ADOPTION OF THE COMMITTEE RECOMMENDATIONS CONCERNING AMENDMENTS TO THE *PRO HAC VICE* ADMISSION RULES, RULE VII *ALABAMA STATE BAR RULES GOVERNING ADMISSION*. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

President Segall thanked Mr. Huffaker and his committee for their outstanding work.

(The admission without examination rule changes are attached to these minutes and appears as Appendix C. The recommended changes to the *pro hac vice* (Rule VII) are attached to these minutes as Appendix D.)

12. ABA HOUSE OF DELEGATES POSITIONS

President Segall reminded the Commissioners that the terms of Billy Coplin of Demopolis and Wes Pipes of Mobile expire at the conclusion of this year's ABA annual meeting. He stated that Mr. Coplin can serve an additional term but that Mr. Pipes had served two consecutive terms and was not eligible to serve a third consecutive term. He informed the Commission that Mr. Coplin indicated he would be willing to serve an additional two year term if the Commission chose to re-elect him. President Segall noted that former state bar president Wade Baxley had indicated his desire to be considered for election as a member of the ABA House of Delegates.

President Segall asked if there were any further nominations from the floor. There were none.

A MOTION WAS MADE BY COMMISSIONER MOORER TO CLOSE NOMINATIONS AND TO ELECT MR. BILLY COPLIN AND MR. WADE BAXLEY AS THE ALABAMA STATE BAR DELEGATES TO THE AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

13. ALABAMA STATE BAR JUDICIAL AWARD OF MERIT

President Segall reported that the Judicial Conference Committee had considered several nominations for the Judicial Award of Merit this year. He stated the Committee recommended that the Honorable U.W. Clemon, Chief Judge, United States District Court, Northern District of Alabama receive the Judicial Award of Merit for 2006.

COMMISSIONER KENNEMER MOVED THE APPROVAL OF THE HONORABLE U. W. CLEMON AS THE 2006 JUDICIAL AWARD OF MERIT RECIPIENT. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED UNANIMOUSLY.

14. 2006 PROFESSIONALISM AWARD

President Segall stated that the Chief Justice's Commission on Professionalism had sought and obtained nominations for the first professionalism award. He reported that their recommendation for the first recipient of the award was former Governor Albert Brewer. President Segall noted that the award would be made jointly by the Chief Justice's Commission on Professionalism and the Alabama State Bar.

COMMISSIONER WHITE MOVED TO APPROVE THE RECOMMENDATION OF THE CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM'S RECOMMENDATION OF THE HONORABLE ALBERT P. BREWER AS THE RECIPIENT OF THE 2006 PROFESSIONALISM AWARD. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED UNANIMOUSLY.

15. THE WILLIAM D. "BILL" SCRUGGS, JR. SERVICE TO THE BAR AWARD

President Segall reminded the Commission that the Scruggs Award Committee had been appointed this year to consider a nomination that had been received. He reported the committee had considered the nomination and unanimously recommended that the nominee, David R. Boyd of Montgomery be the recipient of the William D. "Bill" Scruggs, Jr. Service to the Bar Award for 2006.

COMMISSIONER WILLIAMS MOVED THE APPROVAL OF DAVID R. BOYD OF MONTGOMERY AS THE RECIPIENT OF THE WILLIAM D. "BILL" SCRUGGS, JR. SERVICE TO THE BAR AWARD FOR 2006. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED UNANIMOUSLY.

16. THE JANIE SHORES SCHOLARSHIP FUND

President Segall noted that the Women's Law Section was seeking authorization to create a scholarship fund honoring retired Justice Janie Shores. He stated the fund, like the Kids' Chance Scholarship Fund organized by the Workers Compensation Section, would be administered by the Alabama Law Foundation. He reported that scholarships would be made available to women who have either been admitted or are attending a law school in Alabama.

COMMISSIONER KNIGHT MOVED THE APPROVAL OF THE CREATION OF THE JANIE SHORES SCHOLARSHIP FUND BY THE WOMEN'S LAW SECTION TO BE ADMINISTERED BY THE ALABAMA LAW FOUNDATION. THE MOTION WAS SECONDED.

Several questions ensued concerning the funding of the scholarship fund. Commissioner Bailey, chair of the Women's Law Section, reported that the section would seek contributions for the scholarship fund.

President Segall asked if there were any further questions. There were none.

THE PRESIDENT ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED UNANIMOUSLY.

17. 2007 ALABAMA LAWYER HALL OF FAME INDUCTEES

President Segall reported that the Alabama Lawyers Hall of Fame Committee recommended the suspension of the rules in order to induct two lawyers who had been deceased more than 100 years. He stated that the committee recommended the following two lawyers: William Rufus King, Dallas County (1776-1853) and Thomas Minot Peters, Moulton (1810-1888). The two contemporary lawyers recommended for induction were: John J. Sparkman, Huntsville (1899-1985) and Judge Robert S. Vance, Birmingham (1931-1989).

COMMISSIONER HAROLD STEPHENS MOVED THE SUSPENSION OF THE RULES IN ORDER TO INDUCT TWO INSTEAD OF ONE LAWYER DECEASED MORE THAN 100 YEARS. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS CARRIED BY THE NECESSARY TWO-THIRDS VOTE.

NEXT, COMMISSIONER HAROLD STEPHENS MOVED THE INDUCTION OF WILLIAM RUFUS KING AND THOMAS MINOT PETERS, AS LAWYERS DECEASED MORE THAN 100 YEARS, AND JOHN J. SPARKMAN AND JUDGE ROBERT S. VANCE AS CONTEMPORARY LAWYERS FOR 2007. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION CARRIED.

18. NOMINATIONS TO THE ALABAMA LEGAL SERVICES BOARD OF DIRECTORS

President Segall reminded the Commission that four positions were up for appointment from the following regions: Mobile, Tuscaloosa, Enterprise and Florence. He noted that Dale Marsh of Enterprise and Commissioner Billy Cunningham of Mobile had been recommended for the Enterprise and Mobile areas respectively. He stated that there were two recommendations from the Florence area: Curtis Simpson and William C. Nabers for which biographical information had been provided. Finally, he stated the nominee from the Tuscaloosa area was Commissioner Spruell.

COMMISSIONER MCCALLUM MADE A MOTION THAT THE NOMINATIONS BE CLOSED AND THAT DALE MARSH OF ENTERPRISE AND BILLY CUNNINGHAM OF MOBILE BE ELECTED. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

President Segall stated that Commissioner Spruell had been recommended for appointment for the Tuscaloosa region. He asked if there were any further nominations.

COMMISSIONER LUDGOOD MOVED THAT NOMINATIONS BE CLOSED AND THAT ALYCE SPRUELL OF TUSCALOOSA BE ELECTED. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOWING OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSING THE MOTION. THE MOTION WAS APPROVED.

President Segall stated that in addition to Mr. Nabers and Mr. Simpson from Florence, Mr. Thomas Heflin of Tuscumbia had also been nominated from the Quad Cities area. He asked if there were any further nominations from the floor.

COMMISSIONER BROOME MOVED THAT NOMINATIONS BE CLOSED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS FOR THOMAS HEFLIN, FOR BILL NABERS AND FOR CURTIS SIMPSON. THOMAS HELFIN OF TUCUMBIA WAS ELECTED.

19. CONTINUATION OF STIPEND PAYMENT FOR BAR EXAM QUESTIONS AND FOR THE AUM CENTER FOR BUSINESS AND COMMERCE TO ASSIST THE BOARD OF BAR EXAMINERS WITH EXAM PREPARATION

The Secretary explained that under the new exam format, groups of lawyers, other than members of the Board of Bar Examiners (BBE) have prepared questions for the Alabama Essay Exam. He stated that the individuals who prepare both questions and analyses (scoring keys) to be used by the BBE have been given a stipend of \$250 for each exam question and analysis used by the board. He reminded the Commission that there are six essays questions for each bar exam.

The Secretary further explained that the AUM Center for Business and Commerce has assisted the BBE by working with the attorneys who prepare the exam questions to refine the questions and make sure the draft essay questions and scoring analyses are appropriately validated and psychometrically sound so that they are comparable to the two national essay products used, Multi-State Essay Exam and the Multi-State Performance Test. He noted that this was a process that took several days. The Secretary further stated that AUM conducts a grading workshop for examiners following each bar exam to improve the grading consistency of the Alabama Essays. He remarked that the National Conference of Bar Examiners provides similar training for examiners across the country, including BBE members, who grade the Multi-State Essay and the Multi-State Performance Exams.

COMMISSIONER WHITE MADE A MOTION TO AUTHORIZE THE CONTINUATION OF PAYING STIPENDS OF \$250 TO THOSE PREPARING QUESTIONS AND SCORING KEYS FOR THE ALABAMA ESSAY EXAM AS WELL AS THE CONTINUATION OF THE AUM CENTER FOR BUSINESS AND COMMERCE'S ASSISTANCE TO THE BOARD OF BAR EXAMINERS WITH QUESTION PREPARATION AND POST EXAMINATION GRADING WORKSHOPS. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

20. MENTORING PILOT PROJECT

President Segall reminded the Commission that Commissioner Bucy had discussed conducting a pilot mentoring project at the last meeting. He asked if there were any questions. There were none.

COMMISSIONER RALEIGH MOVED THE APPROVAL OF CONDUCTING A PILOT MENTORING PROGRAM. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

21. SELECTION OF 2006 AT-LARGE COMMISSIONERS

President Segall stated that nine nominations were received for the three available at-large commissioner spots. He informed the Commission that the Executive Committee had reviewed the nominations and recommended the election of Walter E. McGowan of Tuskegee, Merceria Ludgood of Mobile, and Pamela Bucy of Tuscaloosa to three year terms.

President Segall asked if there were any further nominations from the floor from the nominations received for the three at-large positions.

COMMISSIONER SPRUELL MOVED THAT NOMINATIONS BE CLOSED AND THAT WALTER MCGOWAN OF TUSKEGEE, MERCERIA LUDGOOD OF MOBILE AND PAMELA BUCY OF TUSCALOOSA BE ELECTED TO THREE YEAR TERMS AS AT-LARGE COMMISSIONERS. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

Several questions followed the election as to the specific terms of office and how many additional terms at-large commissioners can serve. The Secretary explained that at-large commissioners whose terms were initially less than a full three year term may be elected to three consecutive three year terms. He stated that a term less than three years is not considered a full term under the rules of the Commission. Another question ensued concerning the nomination procedure. Several Commissioners were unclear about the nominating procedures. President Segall asked if there was a motion to take a re-vote.

COMMISSIONER BAILEY MOVED THAT THERE BE A RE-VOTE ON THE AT-LARGE COMMISSIONER NOMINATIONS. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION FAILED.

22. LAWYER REFERRAL SERVICE REPORT

President Segall called on Charlie Moses, chair of the Lawyer Referral Service Board for a report. Mr. Moses appeared before the Commission and stated that the Lawyer Referral Service had been in existence for over 30 years with very little change to the operating rules. He stated that the LRS Board believed that the changes, as circulated to the board, would allow the LRS to streamline its service, maintain public trust and benefit the community and the bar in a flexible and growth oriented basis. He encouraged the adoption of the changes as soon as possible to permit the implementation by the renewal date of October 1, 2006 for member attorneys participating in the service. Mr. Moses explained the proposed changes included in the draft of the rules provided to the Commission.

President Segall asked if there were any questions. The Secretary expressed some concern with modification of Rule 3.7 which would appear to allow the LRS Board of Directors make changes in fees without the ultimate approval of the Board of Bar Commissioners. Mr. Moses stated that he believed that it would still require an action of the Board of Bar Commissioners on any fee changes but that the provision would be clarified before a final vote at the next meeting. There were no further questions. President Segall thanked Mr. Moses and the LRS Board for their service.

23. ALABAMA LAWYERS ASSISTANCE PROGRAM EVALUATION RESULTS

David Wooldridge, president of the Alabama Lawyers Assistance Foundation and former chair of the Lawyers Helping Lawyers Committee appeared before the Commission to discuss the ABA Commission on Lawyers Assistance Programs (COALAP) evaluation of the bar's Lawyers Assistance Program. Joining Mr. Wooldridge were Clint Pittman, chair of the Lawyers Helping Lawyers Committee, Eason Mitchell, member of the committee, Pam Nelson of Cumberland Law School and the Honorable Sue Bell Cobb. Mr. Wooldridge outlined the findings of the COALAP evaluation and recommendations. He stated that the principle findings addressed staffing support. Other areas included a possible MCLE component, improvement of education, a confidentiality rule for ALAP staff, immunity for Lawyers Helping Lawyers volunteers and conditional admissions. Several Commissioners had questions concerning the report following Mr. Wooldridge's response. There were remarks by Judge Cobb, Mr. Pittman and Mr. Mitchell stressing the importance of the program and the need for additional resources for the program.

President Segall thanked Mr. Wooldridge for summarizing the COALAP report and those appearing before the Commission on behalf of the program.

24. **INSURANCE PROGRAMS COMMITTEE REPORT**

President Segall called on Mr. Jerry Wood of the Insurance Programs Committee. Mr. Wood addressed the Commission. He stated that he was appearing on behalf of Elizabeth Bookwalter, chair of the committee and Henry Henzel, co-chair. He stated that the committee was asking for the Commission to allow the state bar's third party insurance administrator, Insurance Specialists, Inc. to provide six additional products for bar members. He stated that four would be with the Hartford Company and two with Relia-Star. Mr. Wood further stated that the products had been reviewed by the committee and found to be very good. He noted that the products were not currently available to bar members. President Segall asked if there were any questions about the proposed new insurance products. There were none.

COMMISSIONER CROSBY MADE A MOTION THAT THIS ITEM BE MOVED FROM A DISCUSSION ITEM TO AN ACTION ITEM. THE MOTION WAS SECONDED. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION CARRIED BY THE NECESSARY TWO-THIRD VOTES.

NEXT COMMISSIONER CROSBY MOVED THAT INSURANCE SPECIALISTS, INC., THE BAR'S THIRD PARTY INSURANCE ADMINISTRATOR, BE AUTHORIZED TO OFFER THE SIX NEW INSURANCE PRODUCTS AS RECOMMENDED BY THE INSURANCE PROGRAMS COMMITTEE. PRESIDENT SEGALL ASKED FOR A SHOW OF HANDS OF THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

President Segall thanked Mr. Wood and the Insurance Programs Committee for their work.

[A description of the specific insurance products as recommended by the Insurance Programs Committee appears as Appendix E.]

25. **FEE DISPUTE PROGRAM RULE CHANGE**

President Segall asked Tony McLain to give an overview of the recommended changes to the fee dispute rules. Mr. McLain explained that the changes to the fee dispute rules would allow fee disputes between lawyers to be mediated by the Fee Dispute Committee. Under the current rules, only client and lawyer fee disputes are mediated. He stated that the program would still remain voluntary. Following Mr. McLain's discussion concerning the proposed change to the fee dispute program, there were several questions. Commissioner Stephens (Harold) recommended that the rules encompass out of state lawyers who were admitted *pro hac vice*. Ed Patterson, program administrator, stated that the committee reviewing the rule changes had not discussed that specific issue but that he saw no problem in modifying the rule to include such disputes.

President Segall thanked Mr. McLain and Mr. Patterson and stated that this program was a good public service program for both lawyers and clients.

26. ANNUAL LEAVE POLICY

Tony McLain addressed the issue of modifying the board policy concerning annual leave for state bar staff members. He stated that the recommendation was to change the current leave policy and model it after the current state employee policy which provides more generous annual leave than the current board policy for staff. There were several questions following Mr. McLain's remarks. Several questions concerned the state's personnel policy guidelines and those of the bar. The Secretary explained that the Board of Commissioners has exclusive authority over state bar personnel rules. President Segall stated that this would be an action item at the next meeting of the board.

27. HISTORY AND ARCHIVES COMMITTEE REPORT

Ben Spratling appeared for the History and Archives Committee. He described on-going efforts to prepare a history of the legal profession in Alabama. He informed the Commission that Pat Rumore is the author who is writing the history. He explained that Pat is being compensated and that Harold Williams, a member of the committee, had advanced \$30,000 to get the project started. Mr. Spratling further explained the three steps that would be utilized to help raise funds to underwrite the costs of the project. First, grants and donations would be pursued to help underwrite the project. Second, if the first step was unsuccessful in underwriting most of the writing and publications costs, firm histories would be sold and included in the published book. Finally, the book would also bring in proceeds which would help underwrite the costs of the project. Mr. Spratling stated that Mr. Williams hoped that once everything was paid for that he would get paid back from the profits. He opined that he did not have any idea about how many books would be sold when it was finally written and published.

President Segall asked if there were any questions. There were none. He stated that approving the approach outline by Mr. Spratling would be an action item at the next meeting.

28. TASK FORCE ON PARALEGALS AND OTHER ALLIED PROFESSIONS

Kermit Kendrick appeared before the Commission and outlined the work of his task force. He stated that the task force looked at what roles paralegals could play in the Alabama State Bar. He stated that the task force examined other state bars including Texas, Colorado, Oklahoma and North Carolina. The task force's proposal was modeled after the North Carolina Bar Association's paralegal program. Mr. Kendrick told the Commission that the program's structure would be an affiliate organization of the Alabama State Bar and that the primary purpose of creating such an organization would be to improve the quality of paralegals by providing a formal structure and regulation for admitting individuals to the organization. Mr. Kendrick stated that the task force recommended that a paralegal division of the Alabama State Bar be created with the purposes as set forth in the task force's plan.

Several questions were raised about the proposal. Concerns were expressed about the bar becoming a regulatory authority for paralegals.

PRESIDENT SEGALL RECOGNIZED COMMISSIONER WILLIAMS WHO MOVED THAT THE PROPOSAL BE DISCUSSED FURTHER BEFORE PLACING IT ON THE NEXT MEETING'S AGENDA AS AN ACTION ITEM. THE MOTION WAS SECONDED.

FOLLOWING FURTHER DISCUSSION, PRESIDENT SEGALL ASKED FOR A SHOWING OF HANDS FOR THOSE IN FAVOR OF THE MOTION AND THOSE OPPOSED TO THE MOTION. THE MOTION WAS APPROVED.

President Segall thanked Mr. Kendrick and his committee members for their work on this topic.

29. ADJOURNMENT

President Segall 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 seconded to adjourn. The motion was approved.

Bobby Segall, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar