

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

University of Alabama School of Law
Tuscaloosa, Alabama

Friday, January 25, 2008

1. CALL TO ORDER

President Sam Crosby convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in the Moot Courtroom of the University of Alabama School of Law in Tuscaloosa, Alabama. Commissioner Gruenewald gave the invocation.

2. WELCOME BY PRESIDENT CROSBY

President Crosby welcomed the students who were attending the meeting as guests. He also called on Commissioner Fawal who introduced three special guests from the University of Alabama School of Law. They were Terri Sharpley, Hartselle (third year); Ryan Robichaux, Montgomery (second year) and SGA President Robert Pittman, Albany, Georgia (third year).

Also introduced was Michael A. Bownes, secretary of the University of Alabama System Board of Trustees.

3. ROLL CALL

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

Ronnie E. Keahey	Christy Crow	J. Garrison Thompson
Randall S. Haynes	Cooper Shattuck	Alyce M. Spruell
John M. Gruenewald	Jack Neal	Phillip W. McCallum
Greg Hawley	Maibeth Porter	Joseph A. Fawal
Robert E. Moorner	William A. (Pete) Short	William M. Cunningham
Billy C. Bedsole	Juan Ortega	Mary Margaret Bailey
James R. Beaird	Cole Portis	Sim Penton
Lee H. Copeland	K. Scott Stapp	Robert L. Bowers, Jr.
Joseph A. Morris	Everette A. Price, Jr.	Thomas B. Albritton
Harold Stephens	L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.
Ronald H. Strawbridge, Jr.	R. Wyatt Howell	John C. Gullahorn
Tut Wynne	Robert L. Rumsey	Elizabeth Parsons
John M. Kennemer	Jason P. Knight	Roger Bedford, Jr.
David T. Hyde, Jr.	Jere C. Trent	Wayman Sherrer
Claude E. Hundley, III	Merceria Ludgood	Pamela H. Bucy
Kesa Johnston		

The following Commissioners were absent:

Michael E. Jones	Nicholas B. Roth	W. N. (Rocky) Watson
Anthony A. Joseph	S. Greg Burge	Jim Pratt
Albert J. Trousdale, II	Richard W. Whittaker	Michael D. Knight
Les Hayes, III	James H. Anderson	Donald R. Jones
F. Michael Haney	John E. Medaris	Kenneth E. White, III
Allan Chason	Robert H. Brogden	Timothy D. Littrell
Robert T. Meadows, III	Gerald R. Paulk	David F. Law
Walter E. McGowan	Deborah Byrd Walker	Alicia F. Bennett
Kyra Sparks	Kelly T. Lee	

Also in attendance was President-elect Mark White. Staff members present included Tony McLain, Ed Patterson and Anita Hamlett.

4. APPROVAL OF THE MINUTES OF THE BOARD OF BAR COMMISSIONERS MEETING FOR NOVEMBER 30, 2007

President Crosby stated that the minutes of the Board of Commissioners meeting for November 30, 2007 had been disseminated to the board. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER BEDSOLE MOVED TO APPROVE THE MINUTES OF THE BOARD OF BAR COMMISSIONERS MEETING FOR NOVEMBER 30, 2007. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

5. PUBLIC REPRIMANDS

5.1. Richard H. Batson, II, Franklin, Tennessee, Rule 25 Petition, 07-48

Mr. Batson received a public reprimand with general publication as reciprocal discipline for a censure issued by the Tennessee Supreme Court which parallels violations of Rules 1.4, 8.4 (a), (d) and (g) of the *Alabama Rules of Professional Conduct* [ARPC].

5.2 Gregory Miles Hess, Mobile, ASB-98-135 (A)

Mr. Hess received a public reprimand without general publication for violations of Rules 3.4 (c), 8.4 (a) and 8.4 (g) of *ARPC*. He was ordered to make restitution of \$750.

5.3 Michael Lynn Murphy, Centreville, ASB-06-209 (A)

Mr. Murphy received a public reprimand without general publication for violations of Rules 5.5, 8.1 (b), 8.4 (a), (b) and (g) of *ARPC*.

6. **PRESIDENT'S REPORT**

President Crosby expressed his appreciation to Tuscaloosa Commissioners Spruell, Shattuck and Bucy for the previous evening's reception and to Dean Randall for the law school's hosting of the breakfast and commissioners meeting. The president next recognized Commissioner Ryan who reported on the February 18th kickoff of the *Wills for Heroes* program in Huntsville. Commissioners were reminded and encouraged to attend the Professionalism Consortium to be hosted by the Cumberland School of Law on February 21, 2008. Commissioner Stephens was asked by the President to report on the *Lawyers Serving Communities* campaign. Mr. Stephens encouraged commissioners to provide articles for publication in local newspapers. The president closed his report by giving a brief overview of the annual meeting program in July.

7. **SECRETARY'S REPORT**

The Secretary announced that he had received a memorial resolution honoring the late Harry Cohen, professor of law at the University of Alabama School of Law.

COMMISSIONERS SPRUELL, SHATTUCK AND BUCY MOVED TO ACCEPT THE MEMORIAL RESOLUTION HONORING PROFESSOR HARRY COHEN AND PLACE IT IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

After reviewing the first quarter financial report, the Secretary concluded his report by informing the commission that online purchases of special membership dues and licenses for the 2007-2008 license year had increased by more than 20 percent over the previous year.

8. **PROGRAMS UPDATE**

Mr. Patterson gave a brief report on the first meeting of the Leadership Forum.

9. **OFFICE OF GENERAL COUNSEL REPORT**

Mr. McLain reported that the proposed amendments to the *Rules of Professional Conduct* adopted by the Commission would be considered by the Supreme Court at its next rules meeting in April. He then informed the commission of the lawsuit filed by Jack Thompson in federal court in south Florida. He reported that local counsel had been retained to represent the bar and that the case was dismissed by the court. He stated that efforts were underway to recover legal fees on behalf of the state bar from Mr. Thompson for filing a frivolous lawsuit.

10. **PROFESSIONALISM CONSORTIUM**

Commissioner McCallum reported on the program agenda for the Professionalism Consortium to be held at Cumberland Law School on February 21, 2008. After discussing the program, he encouraged all commissioners to attend.

11. **HUMOR AND HISTORY TASK FORCE PRESENTATION**

President Crosby recognized Commissioners Shattuck, Raleigh and Bailey for a report. The commissioners reported that the videotaping of *Wit and Wisdom of Past Bar Presidents* had been going well. They stated that Freedom Court Reporting had helped videotape the past presidents and that the edited version of the interviews would include practice guidance, humorous stories and professionalism. They reported that these videos would be a great resource for the bar, law firms and committees. Commissioner Shattuck noted that it was the hope of the task force that this work would inspire local bars to start similar projects to preserve the history of the profession in the local areas as well.

12. **PILOT MENTORING PROGRAM**

Commissioner Bucy reported on the Pilot Mentoring Program for 2007. An extensive handout was presented to the commission detailing findings and making recommendations and suggestions. She noted that the program for 2008 would change based on the evaluations received from the first program recipients.

Commissioner Bucy reported that several things were learned as a result of the first pilot program: new lawyers need and want mentors; they want a listserv; and they want more substantive information including local CLE programs for lawyers in the smaller towns. Commissioner Bucy also noted that young lawyers in the rural part of the state seemed to be very disaffected with the state bar to which a reformatted program might be able to offer help. She stated the new program would be expanded to have a listserv and that the pilot for the listserv would launch on March 1. She reported that CLE programs would be developed to hopefully address fundamental skills issues and that mentors and mentees would continue to work with one another in the urban areas. She stated that the entire program kickoff was being planned for April.

Commissioner Bucy introduced Prim Formby, a third-year law student who is also manager of the *Law Review*. Ms. Formby serves as a research assistant for Professor Bucy and will help monitor listserv activity and assist with other aspects of the program.

13. **COREVAULT MEMBER BENEFIT PROGRAM**

The Secretary pointed out a written report concerning Corevault as a potential member benefit program had been disseminated to the members of the board.

14. **RULE III APPLICATIONS**

The President noted that applications for consideration and admission pursuant to Rule III of the *Alabama State Bar Rules Governing Admission* had been received for Joe M. Goodman (Tennessee), Michael Joe Roberts (Texas) and Darleene Taylor Marsh (Tennessee). He stated that they are members in good standing in their respective states and comply with all aspects of Rule III including the character and fitness criteria.

COMMISSIONER SPRUELL MOVED ADMISSION PURSUANT TO RULE III OF THE ALABAMA STATE BAR RULES GOVERNING ADMISSION FOR JOE M. GOODMAN, MICHAEL JOE ROBERTS AND DARLEENE TAYLOR MARSH. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. **MEMBER BENEFIT: INTERCALL TELECONFERENCE**

President Crosby stated this potential member benefit had been discussed at the previous meeting. He asked if there were any questions.

COMMISSIONER BEDSOLE MOVED THE APPROVAL OF INTERCALL AS A MEMBER BENEFIT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. **COURT OF THE JUDICIARY RE-ELECTION OF WILLIAM D. MELTON**

The President stated that the term of William D. Melton of Evergreen on the Court of the Judiciary had expired. He stated that Mr. Melton had indicated his willingness to continue serving on the Court of the Judiciary if re-elected.

COMMISSIONER HYDE MOVED THE RE-ELECTION OF WILLIAM D. MELTON OF EVERGREEN TO A SIX-YEAR TERM ON THE ALABAMA COURT OF THE JUDICIARY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. **ALABAMA STATE BAR/ALABAMA BROADCASTERS ASSOCIATION EDUCATION PROGRAM**

President Crosby reminded the Commission that the Public Relations Committee had recommended continuing the partnership between the Alabama Broadcasters Association and the Alabama State Bar. He stated that the radio and television stations broadcast messages provided by the Alabama State Bar. For a contribution of \$65,000, the bar is guaranteed \$200,000 in air time. He noted that the amount is greatly exceeded each year and by the September of 2007, Alabama radio and television stations had provided \$750,000 in air time for the Alabama State Bar.

COMMISSIONER RALEIGH MOVED TO AUTHORIZE THE EXPENDITURE OF \$65,000 FOR THE NON-COMMERCIAL ADVERTISEMENT PROGRAM WITH THE ALABAMA BROADCASTERS ASSOCIATION FOR 2008. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. **INCREASE STIPEND FOR THE YOUNG LAWYERS' SECTION**

The President stated that it had been recommended that the Young Lawyers' Section annual stipend be increased by \$4,000.

COMMISSIONER CROW MOVED TO INCREASE THE ALABAMA STATE BAR YOUNG LAWYERS' SECTION ANNUAL STIPEND BE INCREASED FROM \$12,000 TO \$16,000 COMMENCING WITH THE CURRENT FISCAL YEAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. DAVID BAGWELL ELECTED TO THE HALL OF FAME SELECTION COMMITTEE

President Crosby stated that it had been recommended that David Bagwell of Fairhope be elected to fill the unexpired term of Drew Redden on the Alabama Lawyers Hall of Fame Selection Committee.

COMMISSIONER GRUENEWALD MOVED THE ELECTION OF DAVID BAGWELL OF FAIRHOPE TO FILL THE UNEXPIRED TERM OF DREW REDDEN ON THE ALABAMA LAWYERS HALL OF FAME SELECTION COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. RE-ELECTION OF DIRECTORS TO THE ALABAMA LAWYER ASSISTANCE FOUNDATION BOARD

President Crosby stated that the terms of Mike Conaway of Dothan and Eason Mitchell of Tuscaloosa had expired. He stated that both had indicated a willingness to continue to serve on the Foundation Board of Directors if re-elected.

COMMISSIONER RYAN MOVED THE RE-ELECTION OF MIKE CONAWAY AND EASON MITCHELL TO THE ALABAMA LAWYER ASSISTANCE FOUNDATION BOARD OF DIRECTORS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. ADJOURNMENT

President Crosby 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.

Samuel N. Crosby, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar