

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, October 30, 2009

1. CALL TO ORDER

President Tom Methvin 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, Alabama. Commissioner Gruenewald gave the invocation.

2. ROLL CALL

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

Ronnie E. Keahey	Cleve Poole	Christy Crow
J. Garrison Thompson	Randall S. Haynes	Cooper Shattuck
Hays Webb	John M. Gruenewald	Phil D. Mitchell
Rocky Watson	Leslie Barineau	S. Greg Burge
Jack Neal	Phillip McCallum	Maibeth Porter
Albert J. Trousdale, II	Richard W. Whittaker	Walter H. Honeycutt
James R. Beard	Les Pittman	Sim Penton
F. Michael Haney	K. Scott Stapp	Julia C. Kimbrough
Hamp Baxley	John L. Jernigan	John M. Peek
L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.	J. Dale Lawrence
Kenneth E. White, III	Allan Chason	Tut Wynne
Jason P. Knight	Eddie Beason	J. Milton Coxwell, Jr.
Robert T. Meadows, III	Don Word	Jere C. Trent
Alexander M. Smith	Walter E. McGowan	Claude E. Hundley, III
Deborah Byrd Walker	Merceria Ludgood	Alicia Bennett
Kelly T. Lee		

The following Commissioners were absent:

Augusta S. Dowd	Joseph A. Fawal	Robert E. Moorer
Jim Pratt	William A. (Pete) Short	Henry A. Callaway, III
Billy C. Bedsole	Juan Ortega	Mary Margaret Bailey
Les Hayes, III	Donald R. Jones, Jr.	Cole Portis
Lee H. Copeland	Ramona Morrison	Brian D. Mann
Harold Stephens	R. Wyatt Howell	Jerry Wayne Baker, Jr.
Robert L. Rumsey	Elizabeth Parsons	John M. Kennemer
Buddy Lee	Christopher E. Malcom	David F. Law
LaBarron Boone	David K. Howard	Kesa Johnston

President-elect Alyce M. Spruell was present. Staff members present included Tony McLain, Ed Patterson, Brad Carr, Linda Lund, Laura Calloway, Angela Parks, Jeanne Marie Leslie, Robby Lusk, and Sam Partridge. Tracy Daniel of the Alabama Law Foundation and Judy Keegan of the Alabama Center for Dispute Resolution were present. Legislative Counsel Kim Adams was also present.

3. INTRODUCTION OF GUESTS

President Methvin introduced four third-year law students from Jones Law School. They were as follows: Jeffery Cannon, Clayton Tartt, DeWanna Worshek and Bradley Watson. President Methvin also introduced Thomas Lakes, a Jones Law School student on loan from his firm to the Alabama Volunteer Lawyers Program. Also introduced were Michael Godwin, president of the Escambia Bar Association, Jeff Roberts, president of the Cullman County Bar and Tim Mitchell, president of the Calhoun-Cleburne Bar Association.

4. APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR SEPTEMBER 11, 2009

President Methvin stated that the minutes of the Board of Commissioners meeting for September 11, 2009 had been disseminated to the board. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER GRUENEWALD MOVED TO APPROVE THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR SEPTEMBER 11, 2009. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

5. PUBLIC REPRIMANDS

5.1 Anthony Ifediba – Birmingham, ASB 08-40(A)

Mr. Ifediba received a public reprimand with general publication for violating Rule 7.3 of the *Alabama Rules of Professional Conduct [ARPC]*.

5.2 David Paul Dorn – Birmingham, ASB 08-46(A)

Mr. Dorn received a public reprimand with general publication for violating Rules 1.3, 1.4(a), 1.4(b), 1.16(d), 8.1(a) and 8.1(b) of *ARPC*.

5.3 John Scott Hooper – Montgomery, ASB 08-121(A)

Mr. Hooper received a public reprimand without general publication for violating Rule 8.4(c) of *ARPC*.

6. **PRESIDENT'S REPORT**

President Methvin informed the commission about his trips to several local bar associations, the Southern Conference of Bar Presidents annual meeting, Red Mass, the Opening of Court as well as his appearances on radio and television programs. He noted that he has discussed his access to justice agenda at every opportunity that he has had to speak. He also noted that he had spoken at the admissions ceremony earlier in the week and was very encouraged by the number of new admittees who signed up for the volunteer lawyers program.

President Methvin next discussed reports concerning cuts to the court system budget. He reported that conversations with the Chief Justice indicated that if the Governor makes the cuts as anticipated, criminal and civil trials will have to be curtailed and layoffs of as many as 250 court personnel. President Methvin also noted that it was likely a lawsuit would be filed if the court's budget was cut without there first being a declaration of proration affecting all state government and not just the judicial branch.

7. **SECRETARY'S REPORT**

The Secretary informed the commission that Jeanne Marie Leslie, Director of the Lawyers Assistance Program had an article published in the *American Bar Association Commission on Lawyer Assistance Programs Fall Newsletter*. The article highlights a feminine perspective regarding recovery. He also noted that Laura Calloway, Director of Service Programs, had been recently inducted as a fellow of the College of Law Practice Management at its annual meeting.

The Secretary reported that on the previous day, a federal court in Washington, D.C. had granted the American Bar Association's motion for summary judgment against the Federal Trade Commission regarding the FTC's intention to impose the Red Flags Rule on lawyers. He stated that the federal court had ruled from the bench in favor of the ABA's motion and granted declaratory as well as injunctive relief from the FTC's Red Flags Rule. The Secretary next reported on the bar exam statistics for July 2009 noting that the overall certification rate for examinees was 74.6 percent. Finally, the Secretary reviewed the year-end report for fiscal year 2009. Following his review of the year-end report, he asked if there were any questions and there were none.

8. **PROGRAMS UPDATE**

Assistant Executive Director Ed Patterson noted that the Leadership Forum Selection Committee had communicated its desire to seek the posthumous induction of Lee Huffaker into Class VI. Mr. Patterson gave an overview of Mr. Huffaker's accomplishments and the fact that he was intending to apply to Class VI after having previously applied twice before, and would have likely been included in Leadership Class VI if he had not died.

COMMISSIONER NEAL MOVED TO POSTHUMOUSLY INDUCT LEE HUFFAKER INTO LEADERSHIP FORUM CLASS VI. THE MOTION WAS SECONDED AND APPROVED UNANIMOUSLY BY VOICE VOTE.

9. OGC REPORT

Tony McLain, General Counsel gave an update on the Herman Thomas case following his acquittal of criminal charges. Mr. McLain explained the bar's position and the future prospects concerning Mr. Thomas' pending disciplinary charges.

10. HISTORY AND ARCHIVES COMMITTEE REPORT

President Methvin recognized Ben Spratling, chair of the History and Archives Committee, for an update on the history of the legal profession in Alabama. Mr. Spratling informed the commission that the book *From Power to Service: The Story of Lawyers in Alabama* would be available in February. He stated that the republication sales would begin in January and he encouraged members of the commission to preorder a copy of the book.

11. PRO BONO WEEK TASK FORCE REPORT

President Methvin called on Commissioners Mitchell and Raleigh to tell the commission about the activities being conducted up to and during the current pro bono week, October 26-30. Commissioner Mitchell thanked everyone who had worked on the project. He stated that the goals for the week long observance had been met and that Alabama's efforts had been recognized nationally. He noted that it would not have been as successful as it had been without the support of the commission and so many others across the state. Commissioner Raleigh remarked that the pro bono week celebration had exceeded all expectations. He gave an overview of the statistics which included: signed proclamations in every judicial circuit; 55 separate events statewide; a number of clinics, CLE events and receptions across the state; and 155 new volunteer lawyers for Alabama's VLP program. Commissioner Raleigh also informed the commission that the three judicial associations had signed proclamations observing pro bono week and that many newspapers, television stations and radio stations throughout the state had provided information about pro bono week activities. Commissioner Raleigh specifically recognized Linda Lund for her leadership and guidance of the celebration.

President Methvin thanked Commissioners Mitchell and Raleigh, Mrs. Lund and everyone else who took part in the planning and implementation of pro bono week celebration activities. He also recognized Commissioner Whittaker who talked about pro bono week activities in Coffee County as an example of the kinds of activities held across the state.

12. VLP UPDATE

Emily Marks, chair of the VLP Committee, was recognized by President Methvin for remarks. Ms. Marks stated that more than 650 new lawyers have signed up for VLP programs across the state. She gave an overview of the many VLP activities underway and reported that the committee had worked very closely with the pro bono week task force. She noted that the committee's major focus had been recruitment and that almost a hundred new admittees had been signed up for VLP programs and that all new admittees had received a call from the VLP committee to encourage them to join the VLP. She reported that local bars were cooperating to further increase recruitment. Ms. Marks then discussed efforts concerning the VLP long range plan and efforts to develop a survey to

gather information about the number of pro bono hours provided by Alabama lawyers throughout the year.

President Methvin thanked Ms. Marks and the VLP Committee and encouraged all commission members who have not previously signed up for VLP service to do so.

13. MEMBERSHIP PROGRAMS

Laura Calloway, Director of Service Programs discussed Easy Soft discounted software as a member benefit as well as the *Law Practice Today*, the e-zine of the Practice Management Section of the American Bar Association. *Law Practice Today* would be provided to members free of charge as a member benefit. Ms. Calloway explained that this electronic magazine provides timely topics on practice management as well as quality of life issues. She stated that both programs would be action items at the next meeting.

14. RESOLUTION SUPPORTING ACCESS TO JUSTICE

President Methvin recognized Commissioner McCallum who discussed, in the absence of Commissioner Jim Pratt, chair of the Legislative Task Force, the need for a resolution by the Board of Bar Commissioners supporting access to justice and the need to increase resources for that purpose. Commissioner McCallum offered the following resolution:

The Board of Bar Commissioners recognizes that the State of Alabama is last among all 50 states and Puerto Rico in the support that is provided for the civil legal needs of the poor of this state.

Therefore, the commission urges an increase in all areas of support to enhance the access of justice for the civil legal needs for Alabama's poorest citizens.

Commissioner McCallum noted that this resolution would assist Commissioner Pratt and the task force's efforts to help improve funding from the legislature and to obtain other resources on behalf of access to justice.

COMMISSIONER MITCHELL MOVED TO ADOPT THE RESOLUTION. THE MOTION WAS SECONDED AND THE RESOLUTION WAS ADOPTED BY VOICE VOTE.

15. RULE III APPLICATIONS

President Methvin stated that Jennifer Riley Bailey (TN) and Mary Ruth Craig (TX) have applied to be admitted on motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. He noted that both had met all requirements, including character and fitness, for admission under Rule III.

COMMISSIONER PITTMAN MOVED THE ADMISSION OF JENNIFER RILEY BAILEY AND MARY RUTH CRAIG PURSUANT TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. APPROVAL OF THE 2010 LEADERSHIP CLASS

President Methvin recognized Chris Mixon who chaired the selection committee. Mr. Mixon reported on efforts to increase the number of applications. He stated that there were 75 applicants which was in line with past years. He informed the commission that the application materials for the 75 applicants totaled over 600 pages for the ten members of the selection committee to consider. Mr. Mixon explained the criteria the selection committee followed and the elaborate process used to compile its final list of nominees. Mr. Mixon stated that he believed the selection process was as scrupulously fair as possible.

Following Mr. Mixon's remarks a question was raised about the geography of the nominees including the fact that 60 percent were from Jefferson County. Mr. Mixon noted that despite efforts to encourage more applicants from across the state, 60 percent of all applications were from Jefferson County so nominees tracked very closely the actual number of applications received. He encouraged the commission to help increase the number of applications from across the state including areas from outside of the metropolitan areas.

President Methvin asked if there were any more questions. There were none.

COMMISSIONER CROW MOVED TO APPROVE THE 30 NOMINEES AND FOUR ALTERNATES AS RECOMMENDED BY THE SELECTION COMMITTEE WHICH INCLUDED JOHN ALAN BATY, ROBIN LEIGH BEARDSLEY, KEVIN LAWRENCE BOUCHER, STEVEN MICHEL BROM, BRIAN VERBON CASH, JOEL DAVIDSON CONNALLY, CHRISTOPHER WAYNE DEERING, REBECCA GARITY DEPALMA, NICHOLE SELF-DRAKE DIAZ, BRANDON KEITH ESSIG, GLENDA DENISE GAMBLE, MONICA GRACE GRAVELINE, BRANDY OSBORNE HAMBRIGHT, TYRELL FLEMING JORDAN, DERRICK A. MILLS, LARRY BENJAMIN MORRIS, ANIL ASHOK MUJUMDAR, ANDREW SYKES NIX, JENNIFER CARIN PENDERGRAFT, WILLIAM ISSAC POWELL, ANGELA SLATE RAWLS, KATRINA ROSS, JOI CHARISSE SCOTT, JAY ELTON STOVER, BRIAN ALEXANDER WAHL, TODD BRANDON WATSON, LESLIE GAIL WEEKS, WILLIAM CALVIN WHITE, II, TAMULA RENEE YELLING AND ALTERNATES CHRISTOPHER ALLEN THIGPEN, MARC JAMES AYERS, ANGELA CATHERINE CAMERON AND VINCENT JOHN GRAFFEO. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. 2010 LEADERSHIP FORUM BUDGET

President Methvin stated that the Leadership Forum had requested the bar provide funding in the amount of \$25,000 for the 2010 Leadership Forum program. He noted that last year the commission had provided \$25,000 for the 2009 program. President Methvin explained that the total budget for the 2010 program was \$45,719. He stated that funds would come from tuition (\$500 per applicant), commercial sponsorships and small in-kind donations and Alabama State Bar funds. Mr. Methvin informed the commission that a limited number of scholarships were awarded in the form of a tuition waiver.

COMMISSIONER WATSON MOVED THE APPROVAL OF THE EXPENDITURE OF \$25,000 FOR THE 2010 LEADERSHIP FORUM CLASS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. ASB ELECTION RULE AMENDMENTS

President Methvin stated that the proposed election rule amendments had been discussed at the previous meeting. He reminded the commissioners that the proposed amendments would facilitate online voting in both commissioner and president-elect races.

COMMISSIONER NEAL MOVED THE APPROVAL OF THE PROPOSED AMENDMENTS TO THE *ALABAMA STATE BAR RULES GOVERNING ELECTION AND SELECTION OF PRESIDENT-ELECT AND MEMBERS OF THE BOARD OF COMMISSIONERS*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the amendments to the *Alabama State Bar Rules Governing Election and Selection of the President-elect and Members of the Board of Commissioners* is included with these minutes as Appendix A.]

19. LEGISLATIVE COUNSEL CONTRACTS FOR 2010

President Methvin explained that the 2009 contracts for Ms. Kim Adams and Ms. Suzi Edwards would conclude at the end of January 2010. He informed the commission that they had agreed to continue as legislative counsel for next year. He noted that the amount of their individual contracts is \$11,400 for a total of \$22,800.

COMMISSIONER MCCALLUM MOVED TO RENEW THE LEGISLATIVE COUNSEL CONTRACTS FOR 2010 WITH MS. KIM ADAMS AND MS. SUZI EDWARDS IN THE AMOUNT OF \$11,400 EACH. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. FY 2010-2011 BUDGET REQUEST

President Methvin asked the Secretary to discuss the budget. The Secretary reviewed the budget and stated that the 2011 budget request was \$6,051,535, an increase of 4.84 percent over the current 2010 budget. The Secretary reminded the commission that the Governor's office had reduced the state bar's 2010 budget request by \$168,000 to \$5,772,387 which was the same amount as the 2009 budget.

President Methvin asked the commissioners if there were any questions. There were none.

COMMISSIONER SMITH MOVED THE APPROVAL OF THE FY2010-2011 BUDGET REQUEST IN THE AMOUNT OF \$6,051,535. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. PUBLIC REPRIMANDS CONTINUED

21.1 Stewart Springer, Birmingham, ASB 06-128(A)

Mr. Springer entered a guilty plea for violating Rules 8.4(d) and 8.4(g) of *ARPC* and received a public reprimand.

21.2 James Gordon Stevens, Birmingham, ASB 08-50(A)

Mr. Stevens received a public reprimand with general publication for violating Rules 1.4(a), 1.4(b), 1.15(b) and 1.16(d) of *ARPC*.

21.3 David James Hobdy, Jr., Bessemer, ASB 08-158(A)

Mr. Hobdy received a public reprimand without general publication for violating Rules 1.3 and 1.4(a) of *ARPC*.

22. ADJOURNMENT

President Methvin 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.

Thomas J. Methvin, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar