

## MINUTES

### ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building  
Montgomery, Alabama

Friday, April 9, 2010

#### 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. President Methvin asked Tony McLain to give a report on Commissioner Short's condition following his accident. Following Mr. McLain's report, President Methvin asked the commission to keep Commissioner Short and his family in their thoughts and prayers. Commissioner Bedsole 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	J. Garrison Thompson
Cooper Shattuck	John M. Gruenewald	Phil D. Mitchell
Rocky Watson	S. Greg Burge	Phillip W. McCallum
Augusta S. Dowd	Maibeth J. Porter	Joseph A. Fawal
Robert E. Moorer	Jim Pratt	Richard W. Whittaker
Henry A. Callaway	Billy C. Bedsole	James R. Beaird
Les Pittman	Cole Portis	Sim Penton
Lee H. Copeland	F. Michael Haney	K. Scott Stapp
Hamp Baxley	John L. Jernigan, III	John M. Peek
Harold Stephens	L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.
Kenneth E. White, III	Alan Chason	Tut Wynne
Elizabeth Parsons	John M. Kennemer	Jason P. Knight
Eddie Beason	Christopher E. Malcom	Robert T. Meadows, III
Don Word	Jere Trent	Alexander M. Smith
Claude E. Hundley, III	Deborah Byrd Walker	Alicia F. Bennett
LaBarron Boone	Kelly T. Lee	Jerry Wayne Baker, Jr.

The following Commissioners were absent:

Christy Crow	Randall S. Haynes	Hays Webb
Leslie R. Barineau	Jack Neal	William A. (Pete) Short
Albert J. Trousdale, II	Walter H. Honeycutt	Juan Ortega
Mary Margaret Bailey	Les Hayes, III	Donald R. Jones, Jr.
Ramona Morrison	Julia C. Kimbrough	Brian D. Mann
J. Dale Lawrence, Jr.	R. Wyatt Howell	J. Milton Coxwell
Robert L. Rumsey	Buddy Lee	Merceria Ludgood
David F. Law	Walter E. McGowan	
David K. Howard	Kesa Johnston	

President-elect Alyce M. Spruell was present. Staff members present included Laura Calloway, Jeanne Marie Leslie, Linda Lund, Tony McLain, Ed Patterson, Brad Carr, Robby Lusk, Jeremy McIntire, Sam Partridge and Marcia Daniel. Tracy Daniel of the Alabama Law Foundation and Judy Keegan of the Alabama Center for Dispute Resolution were present as was Robert N. Bailey, president of the Young Lawyers' Section.

### **3. INTRODUCTION OF GUESTS**

The following guests were in attendance: Gregory M. Williams, president of the Walker County Bar Association, Malcolm W. McSwean, president of the Pike County Bar Association, Phillip Price, president of the Chilton County Bar Association and Paul Clark, president of the Montgomery County Bar Association.

### **4. APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR JANUARY 15, 2010.**

President Methvin stated that the minutes of the Board of Commissioners meeting for January 15, 2010 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 JANUARY 15, 2010. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

### **5. PUBLIC REPRIMANDS**

5.1 Robert B. Crumpton – Montgomery, ASB 07-26(A)

Mr. Crumpton received a public reprimand without general publication for violating Rules 8.4(a), 8.4(c) and 8.4(g) of the *Alabama Rules of Professional Conduct [ARPC]*.

5.2 Beverly Scruggs – Morgan County, ASB 08-160(A)

Ms. Scruggs received a public reprimand without general publication for violating Rule 1.3 of *ARPC*.

5.3 Amardo Wesley Pitters – Montgomery, ASB 05-013(A)

Mr. Pitters entered a conditional guilty plea and received a public reprimand without general publication for violating Rule 8.4(d) of *ARPC*.

5.4 Michael Allen Moseley – Tallapoosa County, ASB07-136(A)

Mr. Moseley received a public reprimand without general publication for violation of Rules 1.3, 1.4(a), 1.4(b) and 1.16(d) of *ARPC*.

**6. PRESIDENT'S REPORT**

President Methvin congratulated Commissioner Pratt on becoming president-elect designate of the Alabama State Bar. He noted that Mr. Pratt would become president-elect at the annual meeting in July. President Methvin then reviewed his busy agenda since the last meeting including his appearances at several bar associations and other bar related functions. He next recapped the court funding issue and the layoffs ordered by Chief Justice Cobb in response to the lack of funds. He stated that his communications with the Chief Justice indicate that no further layoffs were likely for the current fiscal year but that for the next fiscal year (2010-2011) additional layoffs and the suspension of civil jury trials were possibilities if additional funding was not provided by the legislature. President Methvin concluded his report by highlighting some good news on access to justice initiative. He stated that through much hard work and effort, voluntary donations from lawyers totaled \$650,000 and 1200 new volunteers had been added to VLP rolls across the state. He highlighted VLP participation by county and expressed his appreciation to Young Lawyer President Bob Bailey for the recent work the section had done to increase the number of VLP volunteers.

**7. SECRETARY'S REPORT**

The Secretary encouraged commissioners to purchase *The History of the Legal Profession from Power to Service* written by Pat Rumore. He told the commissioners that copies were available for \$40.00 each. The Secretary next reminded commission members of the 2009 Department Measurements and highlighted the nearly 12,000 hours of volunteer service rendered specifically in the licensing and regulatory areas of the state bar in 2009. Finally, the Secretary asked the commission if it would prefer to meet later at its July meeting (4:00 p.m.) instead of 2:00 p.m. in order for commissioners to have the opportunity to attend the presentation by Egil Krogh that afternoon. The sense of the commission was to commence the meeting at 4:00 p.m.

**8. ANNUAL MEETING UPDATE**

The Assistant Executive Director Ed Patterson highlighted the speakers for the annual meeting including Egil Krogh, Archie Manning, Bobby Lee Cook, Maxwell Bahner (past president of the Tennessee Bar) and Kansas Federal Judge Tom Marten. He also stated that presiding judges of all three federal district courts in Alabama would be participating in panels as would judges from the 11<sup>th</sup> circuit. He reminded commissioners that this year's annual meeting would be held at Baytowne Wharf at the Sandestin resort.

**9. OFFICE OF GENERAL COUNSEL REPORT**

Tony McLain, General Counsel, gave an update on recent hearing and disbarment of former Mobile judge Herman Thomas.

**10. ALABAMA LAW FOUNDATION UPDATE**

Commissioner Rocky Watson appeared on behalf of ALF president Dave Boyd. He gave an overview of the program and its development. He highlighted the foundation's efforts to increase its endowment and to establish a balanced giving program. He also highlighted efforts of the foundation to build an endowment for the Kids' Chance Scholarship program.

## 11. **LAW DAY UPDATE**

President Methvin recognized Holley Alves, co-chair of the Law Day Committee who reported on this year's Alabama State Bar Law Week program and theme "And Justice for All". Ms. Alves explained the history of Law Day and the many projects and programs undertaken by lawyers including the state bar's program of conducting a statewide poster and essay contest. Ms. Alves stated that the Law Day Committee had been expanded with participants from the Leadership Forum to assist in helping the program to encourage more participation by local bar associations. She concluded by praising the fine work done by the Escambia County Bar with its Law Day program. Ms. Alves stated that the Escambia county program has high school students serve as jurors in actual cases.

## 12. **LEGAL SERVICES ALABAMA UPDATE**

The Honorable Jimmy Fry updated the commission on Legal Services Alabama. He stated that LSA has 11 offices statewide with 104 staff members which included 55 lawyers. He noted that LSA was actually hiring lawyers in several of its offices. Judge Fry reported that in 2009, 13,000 cases were closed. This figure included cases from VLPs and contract attorneys. He stated this figure was up from 8,000 closed cases just several years ago. Judge Fry also reported that a large number of mortgage foreclosure cases had been handled through the program in addition to landlord tenant and federal cases. He remarked that LSA will be sending a number of its attorneys to the Alabama State Bar annual meeting this year and noted that LSA provides funding to all VLPs across the state. He thanked the commission and the bar for its long support.

## 13. **BIRMINGHAM VLP UPDATE AND PRO BONO LAW FIRM UPDATE**

President Methvin recognized Lisa Borden who highlighted the revamped Birmingham VLP. She stated that Kelli Mauro is the new director who has helped transform the program. Ms. Borden mentioned the benefit of the clinic approach being used in Birmingham that has been used very successfully to help meet client needs. She also highlighted other programs in Birmingham including one to assist pro se litigants. Ms. Borden also discussed the importance of law firm participation in the VLPs and how to encourage law firms to participate. She highlighted several benefits law firms gain by participating. Ms. Borden concluded recommending that the bar consider adopting limited scope representation rules.

## 14. **MONTGOMERY COUNTY PRO BONO CLINIC**

President Methvin recognized Royal Dumas of Montgomery who explained the Montgomery County Bar's Pro Bono Clinic. He discussed the clinic concept and its operation. He stated that the Montgomery County Bar works very closely with the Montgomery Action Agency to publicize the clinic and that the agency has been a great resource in getting notice to the general community. Mr. Dumas noted that because of the local bar's work with the Montgomery Action Agency, the county bar has used Head Start facilities to host the clinics. He said the goal of the pro bono clinics is to develop more community resource programs to better serve the Montgomery area.

President Methvin thanked each of the program speakers and their committees and task forces for the work they have accomplished.

**15. REPORT OF THE TASK FORCE TO CONSIDER CREATION OF DISPUTE RESOLUTION SECTION**

President Methvin recognized Mr. Bill Coleman who highlighted the report which the commission had been provided. He asked if there were any questions.

COMMISSIONER RALEIGH OFFERED A MOTION TO MAKE THIS DISCUSSION ITEM AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE..

President Methvin asked if there were any further discussion. There was none.

COMMISSIONER MITCHELL MOVED TO APPROVE THE BY-LAWS FOR DISPUTE RESOLUTION SECTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Methvin thanked Mr. Coleman and the task force.

**16. PUBLIC REPRIMANDS CONTINUED**

16.1 Barbara Miller – Huntsville, ASB 06-142(A)

Ms. Miller received a public reprimand without general publication for violation of Rules 1.4(a), 8.4(a), 8.4(c) and 8.4(g) of *ARPC*.

16.2 John Edward Cabral – Birmingham, ASB 08-053(A)

Mr. Cabral received a public reprimand without general publication for violation of Rule 1.1 of *ARPC*.

16.3 John Martin Eads, Jr. – Bessemer, ASB 08-216(A)

Mr. Eads received a public reprimand without general publication for violation of Rules 5.4(a) and 8.4(a) of *ARPC*.

16.4 Daryl Patrick Harris – Birmingham, ASB 08-153(A)

Mr. Harris received a public reprimand without general publication for violation of Rules 1.3, 8.1(b) and 8.4(d) of *ARPC*.

**17. RULE III APPLICATIONS**

President Methvin stated that five applicants were to be considered for admission by motion pursuant to Rule III of the *Alabama State Bar Rules Governing Admission*. He stated they were William Athanas (MA); Randall Marshall (PA); Alexander Sessoms (MS); Craig Long (GA); Sydney Goodwin Dean (TX) and Deborah Kay King (WA). He stated that each applicant had met the character and fitness requirements to be considered for admission by motion.

COMMISSIONER BEDSOLE MOVED TO ADMIT WILLIAM ATHANAS; RANDALL MARSHALL; ALEXANDER SESSOMS; CRAIG LONG; SYDNEY GOODWIN DEAN AND DEBORAH KAY KING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**18. ELECTION OF DELEGATES TO THE ABA HOUSE OF DELEGATES**

President Methvin reported that the terms of current delegates Wade Baxley of Dothan and Billy Coplin of Demopolis would expire in August. He stated that both had indicated a willingness to continue to serve as delegates for the Alabama State Bar if the commission was inclined to reappoint them. President Methvin asked if there were any additional nominations.

COMMISSIONER FAWAL MOVED TO CLOSE NOMINATIONS AND TO ELECT MR. WADE BAXLEY OF DOTHAN AND MR. BILLY COPLIN OF DEMOPOLIS TO ANOTHER TERM AS ALABAMA STATE BAR DELEGATES TO THE ABA HOUSE OF DELEGATES. THE MOTION WAS APPROVED BY VOICE VOTE.

**19. MAUD MCLURE KELLY AWARD NOMINATION**

President Methvin reported that the Women's Section had recommended Sara Dominick Clark of Birmingham to be the 2010 recipient of the Maud McLure Kelly Award.

COMMISSIONER MOORER MOVED TO APPROVE THE RECOMMENDATION OF THE WOMEN'S SECTION OF SARA DOMINICK CLARK TO RECEIVE THE MAUD MCLURE KELLY AWARD FOR 2010. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**20. ELECTION OF AT-LARGE COMMISSIONERS**

President Methvin reported that three at-large commission positions needed to be filled. He stated that Commissioner Kesa Johnston had chosen not to seek reappointment but that Commissioners Bennett and Hundley were seeking reappointment. President Methvin read the names of the other applicants seeking appointment. They were as follows: Gary L. Blume (Tuscaloosa); Carl A. Cole, III (Decatur); Monet Gaines (Montgomery); Dana Grimes (Fort Payne) and Jean Dowdle Rasco (Talladega). President Methvin noted that Teresa Minor of Birmingham had withdrawn her application. He reported that the Executive Committee recommended Commissioners Bennett and Hundley be reappointed and Monet Gaines as the third nominee. President Methvin then asked if there were additional nominees from the floor from among the four remaining individuals who had submitted applications for the at-large positions.

COMMISSIONER MITCHELL NOMINATED CARL A. COLE, III; COMMISSIONER WATSON NOMINATED DANA GRIMES AND COMMISSIONER FAWAL NOMINATED JEAN DOWDLE RASCO.

COMMISSIONER SMITH MOVED THAT NOMINATIONS BE CLOSED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Methvin asked Commissioners Bennett and Hundley to excuse themselves from the board room.

WHEREUPON COMMISSIONER FAWAL MOVED THAT COMMISSIONERS BENNETT AND HUNDLEY BE APPROVED FOR COMMISSIONERS AT-LARGE BY ACCLAMATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Methvin explained that commission members would have one vote to cast among the four remaining nominees. He then invited comments by the commissioners for each of the remaining nominees.

FOLLOWING THE COMMENTS AND DISCUSSION ON EACH OF THE NOMINEES, PRESIDENT METHVIN ASKED FOR A VOTE ON EACH OF THE CANDIDATES BY A SHOW OF HANDS. AFTER TABULATING THE VOTES FOR EACH OF THE FOUR CANDIDATES, PRESIDENT METHVIN DECLARED THAT MONET GAINES OF MONTGOMERY HAD BEEN SELECTED AS AN AT-LARGE COMMISSIONER.

Commissioners Bennett and Hundley returned to the board room. President Methvin thanked the commission and congratulated Commissioners Bennett and Hundley on their reappointment.

## **21. 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