

## MINUTES

### ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building  
Montgomery, Alabama

Friday, January 15, 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. Commissioner Wynne gave the invocation.

#### 2. 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	Hays Webb	John M. Gruenewald
Phil D. Mitchell	Rocky Watson	Leslie R. Barineau
S. Greg Burge	Jack Neal	Phillip W. McCallum
Augusta S. Dowd	Maibeth J. Porter	Joseph A. Fawal
Robert E. Moorer	Jim Pratt	William A. (Pete) Short
Albert J. Trousdale II	Richard W. Whittaker	Henry A. Callaway, III
Walter H. Honeycutt	Billy C. Bedsole	Juan Ortega
James R. Beard	Les Pittman	Donald Jones, Jr.
Cole Portis	Lee H. Copeland	F. Michael Haney
K. Scott Stapp	Julia Kimbrough	Brian D. Mann
Hamp Baxley	John M. Peek	Harold Stephens
L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.	J. Dale Lawrence, Jr.
Kenneth E. White, III	Jerry Wayne Baker, Jr.	Allan Chason
Tut Wynne	Elizabeth Parsons	Eddie Beason
Christopher E. Malcom	Robert T. Meadows, III	Don Word
Jere C. Trent	Alexander M. Smith	Walter E. McGowan
Deborah Byrd Walker	Merceria Ludgood	Alicia Bennett
LaBarron Boone	David K. Howard	Kelly T. Lee

The following Commissioners were absent:

Cleve Poole	Cooper Shattuck	Les Hayes, III
Sim Penton	Ramona Morrison	John L. Jernigan, III
R. Wyatt Howell	Robert L. Rumsey	John M. Kennemer
Jason P. Knight	Buddy Lee	J. Milton Coxwell, Jr.
David F. Law	Claude E. Hundley, III	Kesa Johnston
Mary Margaret Bailey		

President-elect Alyce M. Spruell and Immediate Past President Mark White were present. Staff members present included Tony McLain, Ed Patterson, Brad Carr, Linda Lund, Laura Calloway, Jeanne Marie Leslie, Robby Lusk, Jeremy McIntire and Sam Partridge. Tracy Daniel of the Alabama Law Foundation and Judy Keegan of the Alabama Center for Dispute Resolution were present as were legislative counsel Kim Adams and Suzi Edwards.

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

The following guests were in attendance: Brandon C. Stone, president of the Elmore County Bar Association; William W. Nichols, president of the Houston County Bar Association; Charles R. Gillenwaters, president of the Tallapoosa County Bar Association and special guest Anderson Mitchell, son of Commissioner Phil Mitchell.

### **4. APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR OCTOBER 30, 2009**

President Methvin stated that the minutes of the Board of Commissioners meeting for October 30, 2009 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 COMMISSIONERS MEETING FOR OCTOBER 30, 2009. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

### **5. PUBLIC REPRIMANDS**

5.1 Donna Britt Madison – Birmingham, ASB 08-111(A)

Ms. Madison received a public reprimand without general publication for violating Rules 1.3 and 1.4(a) of the *Alabama Rules of Professional Conduct [ARPC]*.

5.2 Roianne Houlton Connor – Montgomery, ASB 07-21(A) and 07-22(A)

Ms. Connor entered a conditional guilty plea and received a public reprimand without general publication for violating Rules 3.3(a)(1) and 8.4(c) of *ARPC*.

### **6. PRESIDENT'S REPORT**

President Methvin reported that he had attended meetings for bar associations in Lee County, DeKalb County as well as the Mobile Bench & Bar Conference and the Montgomery County Bar Association Christmas party. He said that at all functions he spoke about efforts to increase access to justice. He then discussed that pro bono week which was recommended by the American Bar Association would be continued by

President-elect Alyce Spruell. The president noted that during the celebration of pro bono week last October, 3000 clinic hours were donated by volunteers. He stated that public service announcements concerning pro bono week ran 3200 times on television stations across the state and 3800 times on radio stations statewide. President Methvin praised the work of the Access to Justice Committee and recognized Commissioner Mitchell and President-elect Spruell in particular.

President Methvin then reminded the commissioners that even if Alabama cannot meet the national average in funds dedicated to access to justice, Alabama can at least be first in the number of volunteers who participate in volunteer lawyer programs. He informed the commissioners that volunteer lawyer programs in Birmingham and Huntsville have new directors and members of the board to promote these programs in their communities. He stated that the state bar would soon hire another in-take person to help screen calls for the program and that he would continue his effort to ask local bar presidents to help increase participation in the VLPs across the state. President Methvin concluded his remarks by saying that almost 600 new lawyers have joined volunteer lawyer programs since the initiative started last summer.

## **7. SECRETARY'S REPORT**

The Secretary recognized Commissioner Boone who was awarded the Resurrection Catholic Mission's "Truth in Charity Award" for his exemplary and extraordinary support of the mission center. The Secretary next praised the generosity of the state bar staff which pledged more than 148 percent of its goal for the Fall United Way Combined State Campaign and provided 7,400 pounds of food to the Montgomery Area Food Bank through monetary contributions and contributions of canned goods.

The Secretary informed the Commission that the American Bar Association had recently announced that Jones Law School had received full accreditation. He then reported that the state comptroller announced that effective January 1, 2010, the mileage rate paid to persons traveling in privately owned vehicles on official state business would decrease to 50 cents per mile. The Secretary next reviewed the financial report for the first quarter of FY2009-10. The Secretary concluded by stating that the Mobile Bar Association had transmitted resolutions memorializing Mobile attorneys Chris C. Delaney, John C.H. Miller, Jr. and Marshall J. DeMouy for inclusion in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER BEDSOLE MOVED TO ACCEPT THE RESOLUTIONS FROM THE MOBILE BAR ASSOCIATION MEMORIALIZING CHRIS C. DELANEY, JOHN C.H. MILLER, JR. AND MARSHALL J. DEMOUY AND TO PLACE THE RESOLUTIONS IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

## **8. OGC REPORT**

There was no report for the Office of General Counsel.

9. **PROGRAMS UPDATE**

There was no report from the programs department.

10. **INFORMATIONAL REPORT OF THE DIVERSITY COMMITTEE**

President Methvin recognized Hope Marshall and Navan Ward on behalf of the committee. Mr. Ward stated that Diandra Burnley, committee chairperson, could not be present for the meeting. Mr. Ward explained that Ms. Burnley had family in Haiti who were affected by the devastating earthquake and asked everyone to keep Ms. Burnley's family in their thoughts and prayers.

Mr. Ward provided an update about ongoing diversity programs and noted that the committee works closely with the Alabama Lawyers Association to promote a summer internship program with law firms and legal organizations statewide. He stated that the purpose of the internship program was to increase diversity in firms statewide and he requested that commission members keep this program in mind when their firms are considering hiring summer law clerks.

Mr. Ward next reported that the Young Lawyers Section in conjunction with the Capital City Bar Association in Montgomery and the Magic City Bar Association sponsor conferences for eleventh and twelfth grade minority students to acquaint them with the legal profession. He noted that the programs were an opportunity for minority high school students to learn more about law as a profession. Finally, Mr. Ward stated that the committee had worked hard to increase scholarship funds for minority lawyers to attend the annual meeting and that he was very appreciative of the support that the bar had provided in helping promote diversity.

Commissioners had several questions for Mr. Ward and Ms. Marshall including whether or not the high school conference would ever be expanded to Huntsville and Mobile. Mr. Ward responded that plans are for the high school conference to be expanded to both cities but more funding was needed to make such a move possible. He stated that in addition to increasing funding they were looking at ways to control costs of the existing program to hopefully expand the high school minority program into other cities statewide.

President Methvin thanked Ms. Marshall and Mr. Ward and encouraged commissioners and their firms to participate in these programs.

11. **FEDERAL COURT PRACTICE SECTION REPORT**

President Methvin recognized Mr. David Byrne, Jr. and Chief Judge Mark Fuller, U. S. District Court Judge for the Middle District of Alabama for a task force report and recommendations concerning a federal practice section. Mr. Byrne discussed the work of the task force. He stated that there was overwhelming support for the section (202 signatures on a petition) and that a majority of the members of the federal bench had endorsed the creation of such a section. He reported that as a consequence, the task force recommended that a section be created. Mr. Byrne noted that the section would be a liaison to the federal judiciary and the Federal Judicial Conference and bring together federal bar association groups statewide and hopefully work to develop a statewide

publication. He asked that the commission approve the proposed bylaws for the section and membership dues of \$20 per year, with no fees charged to judges joining the section.

Judge Fuller discussed the task force's recommendation and that the need for such a section was apparent because there was no effective way for the judiciary to communicate with members of the bar who practice in federal court. He reiterated the federal bench's support of a federal practice section and that he was of the opinion it would be a great service to the bench by providing suggestions for improving federal practice. He closed by noting that within the 11<sup>th</sup> Judicial Circuit, both the states of Florida and Georgia have federal court practice sections. President Methvin asked if there were any questions for either Judge Fuller or Mr. Byrne. There were none.

COMMISSIONER STEPHENS MOVED TO SUSPEND THE RULES SO THAT THE DISCUSSION ITEM OF CREATING FEDERAL COURT PRACTICE SECTION BE CONSIDERED AS AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO THIRDS VOTE.

COMMISSIONER STEPHENS MOVED TO APPROVE THE BYLAWS TO CREATE A FEDERAL COURT PRACTICE SECTION WITH MEMBERSHIP DUES IN THE AMOUNT OF \$20 PER ANNUM. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Methvin thanked Judge Fuller and Mr. Byrne and the task force for the report and recommendation.

## 12. VLP UPDATE

President Methvin recognized Mr. David Peeler of Mobile for a report on the Mobile VLP. Mr. Peeler reported that there were approximately 675 members participating in the Mobile VLP or approximately 60 percent of the Mobile Bar. He provided the commission an overview of the operation of the Mobile VLP. President Methvin next recognized Commissioner Raleigh who reported on the Huntsville VLP. Commissioner Raleigh explained that the Huntsville-Madison County VLP had been transformed with the hiring of a new executive director and the seating of a new board of directors. Commissioner Raleigh reported that their goal was to increase the number of cases closed from 100 in 2009 to 400 by 2011. He stated that in 2008 there were 40 volunteers and by the end of 2009 there were 120 volunteers in the program. He noted that it was the hope of the board to increase the number of volunteers to 300 by the end of 2010. Commissioner Raleigh explained that by increasing support, creating a new infrastructure and organizing the program as a 501(c)3, he believed that the Huntsville program could meet the challenge issued by President Methvin to make a drastic transformation of VLP in Huntsville.

President Methvin thanked Mr. Peeler and Commissioner Raleigh for their reports.

## 13. LEGISLATIVE UPDATE

President Methvin called on Commissioner Pratt who recognized legislative counsel Kim Adams and Suzi Edwards. Commissioner Pratt talked about the legislative task force and its work and some of the issues that would likely be considered in the upcoming legislative session.

**14. PROFESSIONAL SUPPORT INSTITUTE (PSI)**

President Methvin recognized Vice President McCallum who discussed the background and updated the commission on the program's development. He reported that the program had been developing for two years and that the program had originated with the Chief Justice's Commission on Professionalism. Mr. McCallum stated that retired Circuit Judge Harold Crow, who is the executive director of the commission, is helping spear-head PSI. He explained the purpose of PSI is to provide informal voluntary assistance to lawyers and judges in the area of professionalism and way of heading off issues before they become problems to be addressed by the Judicial Inquiry Commission or the Office of General Counsel. Vice President McCallum stated that it was akin to an intervention program and that members of the PSI team would make referrals and judges and lawyers would have an opportunity to meet and discuss with judges and lawyers problems or issues that may be impacting their careers. He concluded by informing the commission that three pilot programs would be initiated in Birmingham, Washington County and Tuscaloosa County with the hope that the program would be expanded later to ten cities. Vice President McCallum stated that the committee was currently working on a pamphlet that would explain the purpose and operation of the program.

**15. RULE III APPLICATIONS**

President Methvin stated that Diana Charleton (IL), Brian Lockwood (NE), Lea Owen (TN) and Bessie Parrish (GA) had applied for admission on motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. He noted that each applicant had met all requirements, including character and fitness, for admission under Rule III.

COMMISSIONER FAWAL MOVED THE ADMISSION OF DIANA CHARLETON, BRIAN LOCKWOOD, LEA OWEN AND BESSIE PARRISH PURSUANT TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**16. CONSIDERATION OF THE CONTINUATION OF THE ALABAMA STATE BAR/ALABAMA BROADCASTERS ASSOCIATION PARTNERSHIP**

President Methvin recognized Director of Communications Brad Carr who reminded the commission of the particulars concerning the program. He stated that the Alabama Broadcasters Association, in consideration of a contribution of \$65,000 by the Alabama State Bar, would provide a guaranteed four to one match in radio and television advertising from its member stations statewide. He stated that as of October of 2009, public service announcements on behalf of the Alabama State Bar for 2009 totaled \$1,226,000.00.

COMMISSIONER GRUENEWALD MOVED TO CONTINUE THE PARTNERSHIP WITH THE ALABAMA BROADCASTERS ASSOCIATION AND TO AUTHORIZE THE CONTRIBUTION OF \$65,000 FOR THE GUARANTEED FOUR TO ONE MATCH IN RADIO AND TELEVISION ADVERTISING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

## 17. COURT REPORTER BOARD NOMINEES

President Methvin explained that the state bar, under legislation creating the Court Reporter Board, provides the Governor with three names from which he chooses one to serve on that board. President Methvin reported that the current board member nominated by the bar is Kent Garrett of Montgomery. He further noted that in addition to Mr. Garrett the names of the following individuals had been suggested for consideration by the commission to be included among the names recommended to the Governor. Those individuals were: Buck Watson (Huntsville), Beth McElroy (Birmingham), Lisa Darnley Cooper (Mobile) and David Rains (Tuscaloosa).

President Methvin then explained the process that would be used to elect the three nominees. He stated that each commissioner would have three votes to vote for three candidates and that the vote would be conducted by a show of hands.

PRESIDENT METHVIN ASKED IF THERE WERE ANY ADDITIONAL NOMINATIONS.

THERE WERE NO FURTHER NOMINATIONS AND COMMISSIONER FAWAL MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED.

PRESIDENT METHVIN THEN ASKED FOR A SHOW OF HANDS FOR EACH OF THE NOMINEES INCLUDING KENT GARRETT, BUCK WATSON, BETH MCELROY, LISA DARNLEY COOPER AND DAVID RAINS.

WITH A SHOW OF HANDS, MR. GARRETT, MR. WATSON AND MR. RAINS WERE SELECTED AS THE THREE NOMINEES FOR RECOMMENDATION TO THE GOVERNOR.

## 18. MEMBER BENEFITS

Director of Service Programs, Laura Calloway reminded the commission about the two member benefits, EasySoft discounted software and *Law Practice Today* (e-zine), that were discussed at the last meeting. She stated that in addition to these two, Medjet had been added as an additional member benefit with a discounted medical jet transport service that was essentially worldwide. After Ms. Calloway explained the Medjet program, Kate Musso, chair of the Insurance Programs Committee, discussed a fourth member benefit, ISI Affinion Group Identity Fraud Protection Service. Ms. Musso explained this service and its availability through Insurance Specialist, the bar's current insurance programs provider.

FOLLOWING A DISCUSSION OF THE FOUR BENEFIT PROGRAMS, COMMISSIONER FAWAL MOVED TO APPROVE ALL FOUR PROGRAMS WITH ANY ROYALTIES FROM THE PROGRAMS TO BE APPLIED TO FURTHER REDUCE THE COST TO BAR MEMBERS UTILIZING THE SERVICES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**19. PUBLIC REPRIMANDS CONTINUED**

19.1 John Charles Wilson – Mobile, ASB 08-108(A)

Mr. Wilson received a public reprimand without general publication for violating Rules 1.3, 1.4(a) and 8.4(g) of *ARPC*.

19.2 Michael A. McDuffie – Mobile, ASB 08-161(A)

Mr. McDuffie received a public reprimand without general publication for violating Rules 8.4(b) and 8.4(d) of *ARPC*.

19.3 Scott Patrick Hooker – Birmingham, ASB 08-199(A)

Mr. Hooker received a public reprimand without general publication for violating Rules 1.3, 1.4(a) and 8.4(d) of *ARPC*.

19.4 Julie Boggan Kaminsky – Lee County, ASB 08-127(A)

Ms. Kaminsky received a public reprimand without general publication for violating Rules 1.15(a), 8.1(b), 8.4(a) and 8.4(g) of *ARPC*.

19.5 Julie Boggan Kaminsky – Lee County, ASB 08-129(A)

Ms. Kaminsky received a public reprimand with general publication for violating Rules 1.3, 1.4(a), 1.4(a), 1.4(b) and 8.1(b) of *ARPC*.

**20. LOCAL LAWYER RECOGNITION**

President Methvin recognized President-elect Spruell for recognition of three lawyers who are very active with the Lawyers Assistance Program. The lawyers recognized by President-elect Spruell were James O. Standridge, Mack Binion and Kim Davidson. All three lawyers had been previously recognized for their service by the Lawyers Helping Lawyers Program.

President-elect Spruell stated that Mr. Standridge was a member of the Tuscaloosa County Bar and had been recognized for his commitment to helping lawyers. She stated that he takes the toughest, most traumatized lawyers (some would say the sickest and hardest to treat) and loves them until they can love themselves. She further stated that he pays them minimum wage in his law firm to read and study the AA big book. President-elect Spruell next stated that Mr. Binion was a member of the Mobile Bar Association and was honored for his time commitment for assisting members of the legal profession. She stated that Mr. Binion started and oversees a lawyers' support group in Mobile and that he also monitors and mentors lawyers for the state's lawyers' assistance program. Finally, President-elect Spruell stated that Kim Davidson was a member of the Bessemer Bar who was honored for her commitment and service in helping women in recovery. She stated that Ms. Davidson opens her home every Monday night to about 40 women many of whom are women lawyers in early recovery. She stated that Ms. Davidson was a mentor and monitor for the female lawyers that she is sent, many of whom have had no positive woman relationships in their lives until they get to know Ms. Davidson.

**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.

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Thomas J. Methvin, President  
Alabama State Bar

ATTEST:

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Keith B. Norman, Secretary  
Alabama State Bar