

# MINUTES

## ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Embassy Suites Hotel and Spa  
Huntsville, Alabama

Friday, February 4, 2011

### 1. CALL TO ORDER

President Spruell convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in Cloud Ballroom B&C of the Embassy Suites Hotel and Spa in Huntsville, Alabama. Commissioner Bedsole gave the innovation.

### 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
Hays Webb	William H. Broome	Phil D. Mitchell
Rocky Watson	Leslie R. Barineau	Phillip W. McCallum
Teresa G. Minor	Joseph A. Fawal	Robert E. Moorner
William A. (Pete) Short, Jr.	Albert J. Trousdale II	Henry A. Callaway III
Billy C. Bedsole	John L. Jernigan III	John M. Peek
Harold Stephens	L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.
R. Wyatt Howell	Jerry Wayne Baker, Jr.	Tut Wynne
Elizabeth Parsons	John M. Kennemer	Jason P. Knight
Eddie Beason	Roger W. Pierce	Don Word
Alexander M. Smith	Claude E. Hundley III	David K. Howard
Monet Gaines		

The following Commissioners were absent:

Christy Crow	Robert Simms Thompson	S. Greg Burge
Jack Neal	Augusta S. Dowd	Derrick A. Mills
Richard W. Whittaker	Walter H. Honeycutt	Juan Ortega
Mary Margaret Bailey	James R. Beard	Frank M. Wilson
Les Pittman	J. Flynn Mozingo	Cole Portis
Sim Penton	Lee H. Copeland	F. Michael Haney
K. Scott Stapp	Ramona Morrison	Julia C. Kimbrough
Brian D. Mann	Hamp Baxley	J. Dale Lawrence, Jr.
Kenneth E. White III	Allan Chason	Robert L. Rumsey
Buddy Lee	J. Milton Coxwell, Jr.	Christopher E. Malcom
Jere C. Trent	David F. Law	Walter E. McGowan
Deborah Byrd Walker	Merceria Ludgood	Alicia F. Bennett
LaBarron Boone	Kelly T. Lee	

President-elect Jim Pratt was present. Staff members present included Tony McLain, Ed Patterson, Linda Lund and Brad Carr.

**3. INTRODUCTION OF GUESTS**

President Spruell introduced Robert Lockwood, president of the Huntsville-Madison County Bar Association, Angela Rawls, director of the Huntsville-Madison County VLP and Annie Dike, young lawyer from Mobile.

**4. APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR DECEMBER 10, 2010.**

President Spruell stated that the minutes for December 10, 2010 had been transcribed and disseminated to the board. She 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 DECEMBER 10, 2010. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

**5. PRESIDENT'S REPORT**

The president highlighted the ongoing work with the *iCivics* initiative and noted that the support for the program was increasing. She noted that she and President-elect Pratt met with the circuit and district court judges at the Judicial Midyear Meeting and mentioned the topics of interests that were discussed during the meeting.

President Spruell called on Commissioner Peek who reported on the Leadership Conference held at the state bar. The conference included local bar presidents, section chairs as well as committee and task force chairs and vice chairs. Commissioner Peek provided an overview of the Leadership Conference and topics of discussion. Next, President Spruell recognized David Rains, vice chair of the Law Day subcommittee who appeared on behalf of Ashley Swink, subcommittee chair of the Celebrate the Profession Committee. Mr. Rains reported that the subcommittee was working diligently to encourage the broadest participation among schools possible for the Law Day celebration. He noted that the program had been modified to include essays and posters as well as a social media competition component involving Facebook and Twitter. He stated that the Law Day theme of 2011 is "The Legacy of John Adams, from Boston to Guantanamo."

President Spruell thanked Commissioner Peek and Mr. Rains for their reports.

**6. SECRETARY'S REPORT**

The secretary stated that the Mobile Bar Association had forwarded memorial resolutions for Joel F. Danley and T. Dwight Reid for inclusion in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER BEDSOLE MOVED TO ACCEPT THE MEMORIAL RESOLUTIONS FROM THE MOBILE BAR ASSOCIATION FOR JOEL F. DANLEY AND T. DWIGHT REID AND TO PLACE THEM IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The secretary next highlighted the financial report for the first quarter of the fiscal year. This included an overview of the Client Security Fund as well. Following his report, the secretary asked if there were any questions and there were none. The secretary concluded his report by reminding the commissioners that the travel mileage rate had increased to 51 cents per mile.

7. **PROGRAMS UPDATE**

President Spruell recognized Ed Patterson for a report. Mr. Patterson gave an update on the Leadership Forum program held in January and noted that it was very successful. He mentioned the winter issue of the *Bar Leader* magazine which included an article focusing on mentoring. He recommended that commissioners take time to read it. Finally, Mr. Patterson reminded the commission that the annual meeting would be held July 13-18 at the Grand Hotel. He stated that an outstanding program was being planned and that scholarships to assist those with financial constraints to attend the meeting would be available as in the past.

8. **OGC REPORT**

Mr. Tony McLain, General Counsel stated that there was no formal report from the General Counsel's Office although he did give an update on the federal lawsuit filed by a disbarred Huntsville attorney.

9. **COMMUNICATIONS REPORT**

Mr. Brad Carr stated that he had no report to make.

10. **REPORT FROM THE PRO BONO AND PUBLIC SERVICE COMMITTEE**

President Spruell recognized Commissioner Callaway and Ms. Linda Lund, director of the VLP program for a report. Volunteer Lawyer Program activities were discussed as were local program activities. Commissioner Callway highlighted the Pro Bono Week Celebration activities over the last two years and planning underway for the 2011 celebration. The next item discussed was the VLP strategic plan. The reason for a VLP strategic plan was discussed. Linda Lund stated that meetings would continue among all stakeholders to discuss how the plan would be implemented. She noted that the strategic plan calls for the VLP to become less centralized and more regionalized in order to better address needs in the rural counties. President Spruell stated that the adoption of the strategic plan would be an action item at the next meeting.

[A copy of the proposed strategic plan as distributed to the commission is included with these minutes as Appendix A.

**11. REPORT ON JUDICIAL REALLOCATION COMMITTEE**

President Spruell recognized Commissioner Joe Fawal, vice chair of the Judicial Reallocation Committee for a report. She explained that Commissioner Chason who had previously served as vice chair of the committee was the new chair of the committee replacing Commissioner Shattuck who resigned from the board to become the Governor's legal advisor. Commissioner Fawal informed the commission that the bar's committee and a committee of judges appointed by the chief justice were continuing to study the issue. He stated that as the study by both committees progresses, he would update the commission at its next meeting.

**12. INDIGENT DEFENSE AND JUDICIAL INQUIRY COMMISSION LEGISLATION**

The president discussed the JIC constitutional amendment and the request by the Circuit Judges Executive Committee for the bar to take the lead in sponsoring the constitutional amendment in the upcoming legislative session. She stated that the matter had been referred to the Judicial Liaison Committee which will consider the proposed constitutional amendment and report back to the Board of Bar Commissioners at the next meeting.

As for the Indigent Defense Commission (IDC) legislation, President Spruell stated that she would be setting up a discussion group that would include all stakeholders to review the current legislative proposals. She asked individual commissioners to go back to their judicial circuits and discuss the concept of an indigent defense commission with the lawyers in their circuit and to get their feedback about what is both good and bad about the current proposal being studied. President Spruell said a report on the IDC legislation would be made at the March meeting.

**13. RULE III APPLICATIONS**

President Spruell stated that the bar had received applications from Kevin Almeroth (GA); Daniel James Martin (MI) and Nancy Washington Vaughn (TN). She stated that each of the individuals had met the requirements, including character and fitness, for admission by motion pursuant to Rule III, Rules Governing Admission to the Alabama State Bar.

COMMISSIONER FAWAL MOVED THE ADMISSION OF KEVIN ALMEROOTH, DANIEL JAMES MARTIN AND NANCY WASHINGTON VAUGHN FOR ADMISSION TO THE ALABAMA STATE BAR PURSUANT TO RULE III OF THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**14. BAR LICENSE FEE STATUTE AMENDMENT**

President Spruell recognized Commissioner Poole to provide a report of the task force studying possibly amending the license fee statute. Commissioner Poole reported that the task force recommended that the commission have the ability to set license fees but to limit increases to \$25 in any one year with a cap of \$600. Following Commissioner Poole's report a great deal of discussion ensued focusing on whether or not the

commission should seek legislation that imposed any restrictions on the commission's ability to set the license fee and whether or not it was practical to pursue this sort of legislation at the upcoming legislative session because of the economy.

COMMISSIONER FAWAL MOVED TO SEEK AN AMENDMENT TO THE BAR'S LICENSE FEE STATUTE TO ALLOW THE BOARD OF BAR COMMISSIONERS TO INCREASE THE BAR LICENSE FEE BY NO MORE THAN \$25 IN A YEAR WITH A CAP OF \$600. THE MOTION WAS SECONDED.

FOLLOWING ADDITIONAL DISCUSSION ON THE PROS AND CONS OF HAVING A CAP OR ALLOWING THE COMMISSION THE ABSOLUTE DISCRETION TO SET LICENSE FEES AND WHETHER OR NOT THE TIMING WAS APPROPRIATE TO SEEK SUCH AN AMENDMENT, COMMISSIONER FAWAL WITHDREW HIS MOTION.

President Spruell stated that matter would be considered at the next meeting.

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

Communications Director Brad Carr encouraged the commission to continue supporting the partnership by authorizing the contribution of \$65,000 to the Alabama Broadcasters Association. He stated that for its contribution to the broadcasters association last year, the bar received \$1.4 million of ad time on radio and TV throughout the state of Alabama.

COMMISSIONER POOLE MOVED TO APPROVE THE EXPENDITURE OF \$65,000 TO CONTINUE THE PARTNERSHIP BETWEEN THE ALABAMA STATE BAR AND ALABAMA BROADCASTERS ASSOCIATION FOR THE NEXT YEAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**16. APPOINTMENT OF SIXTH CIRCUIT COMMISSIONER**

President Spruell reported that with the resignation of Commissioner Shattuck, the 6<sup>th</sup> Judicial Circuit, Place 1 was vacant. The president reported that the Tuscaloosa County Bar Association had recommended Terri Thompkins to fill the unexpired term through 2013.

COMMISSIONER WEBB MOVED TO APPOINT TERRI THOMPKINS TO FILL THE REMAINING TERM FOR THE SIXTH JUDICIAL CIRCUIT, PLACE ONE CREATED BY THE RESIGNATION OF FORMER COMMISSIONER COOPER SHATTUCK. THE MOTION WAS SECONDED.

The president asked if there was any discussion. Commissioner Hays discussed the qualifications of Ms. Thompkins and noted that the Tuscaloosa County Bar Association had considered numerous candidates who had expressed interest in the vacancy before recommending Ms. Thompkins.

FOLLOWING HIS REMARKS, COMMISSIONER STEPHENS NOMINATED BERNARD HARWOOD TO FILL THE REMAINING TERM OF OFFICE FOR PLACE ONE.

Commissioner Stephens discussed the qualifications of Mr. Harwood and the benefits of having a former associate justice of the Supreme Court on the commission.

ADDITIONAL DISCUSSION ENSUED WHEREUPON COMMISSIONER PEEK MOVED TO TABLE THE NOMINATIONS UNTIL THE NEXT MEETING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**17. ALABAMA SECURITIES COMMISSION NOMINATIONS**

President Spruell stated the term of office for Mr. Andrew Campbell of Birmingham would expire in March. His name had been included among three names recommended to the Governor for consideration and appointment to the Securities Commission. President Spruell stated that the following three individuals had been suggested for recommendation to the Governor. They were LaVeeda Battle of Birmingham, Annie Dike of Mobile and Everette Price of Brewton. President Spruell asked if there were any further names to be considered for recommendation to the Governor.

COMMISSIONER WATSON MOVED TO CLOSE THE NOMINATIONS AND TO RECOMMEND LAVEEDA BATTLE, ANNIE DIKE AND EVERETTE PRICE TO THE GOVERNOR FOR HIS CONSIDERATION AND APPOINTMENT OF ONE OF THE NOMINEES TO THE ALABAMA SECURITIES COMMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**18. ADJOURNMENT**

President Spruell 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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Alyce M. Spruell, President  
Alabama State Bar

ATTEST:

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Keith B. Norman, Secretary  
Alabama State Bar