

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Baytowne Wharf Convention Center
Camellia Ballrooms I & II
Destin, Florida

Wednesday, July 18, 2012

1. CALL TO ORDER

President Pratt convened this meeting of the Alabama State Bar Board of Commissioners at 4:15 p.m. in Camellia Ballrooms I & II of the Baytowne Wharf Convention Center in Destin, Florida. 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	Jerry L. Thornton	Christy Crow
Robert Simms Thompson	Terri O. Tompkins	Hays Webb
William H. Broome	Phil D. Mitchell	Rocky Watson
S. Greg Burge	Jack Neal	Robert G. Methvin, Jr.
Teresa G. Minor	Joseph A. Fawal	Brannon Buck
Derrick A. Mills	William A. (Pete) Short	Albert J. Trousdale II
Thad Yancey, Jr.	Henry A. Callaway, III	Walter H. Honeycutt
Billy C. Bedsole	Les Pittman	J. Flynn Mozingo
Cole Portis	Jeffery C. Duffey	Lee H. Copeland
Donald Rhea	K. Scott Stapp	Hamp Baxley
John L. Jernigan, III	John M. Peek	Harold Stephens
John A. Brinkley, Jr.	Richard J.R. Raleigh, Jr.	John Earl Paluzzi
Alan Chason	Samuel W. Irby	Elizabeth Parsons
Braxton W. Ashe	Jason P. Knight	Rebecca Green Thomason
J. Milton Coxwell	H. Jerome Thompson	Alexander M. Smith
Diandra S. Debrosse	Rebecca G. DePalma	Alicia F. Bennett
LaBarron Boone	Jeanne Dowdle Rasco	Monet M. Gaines
Ashley E. Swink		

The following commissioners were absent:

Leslie R. Barineau	Augusta S. Dowd	James R. Beaird
Juan Ortega	Harry V. Satterwhite	Julia C. Kimbrough
Frank M. Wilson	William Randall May	Kenneth E. White III
David A. McDowell	R. Wyatt Howell	Robert H. Brogden
Jerry Wayne Baker, Jr.	Robert L. Rumsey	John M. Plunk
Roger W. Pierce	Stephen M. Kennamer	Meredith Peters
Gregory M. Varner	Claude E. Hundley, III	

President-elect Phillip W. McCallum and Immediate Past President Alyce M. Spruell were present as was President-elect designate Anthony Joseph. Staff members present included Tony McLain, Laura Calloway, Linda Lund, Brad Carr, Diane Locke, Robby Lusk, Angela Parks, Jeremy McIntire and Mark Moody. Also in attendance was Suzi Edwards, legislative counsel.

3. INTRODUCTION OF GUESTS

President Pratt introduced John Pickens and Craig Baab of Alabama Appleseed; Ted Hosp, Access to Justice Commission and Christie Archer, secretary to President-elect Phillip McCallum.

4. INTRODUCTION OF NEW COMMISSIONERS

President Pratt introduced the new commissioners and they were:

Jerry L. Thornton – 2nd Judicial Circuit - Hayneville

Jana Russell Garner – 4th Judicial Circuit - Selma

Brannon J. Buck – 10th Judicial Circuit, Place 8 - Birmingham

Thad Yancey, Jr. – 12th Judicial Circuit - Troy

Donald Rhea – 16th Judicial Circuit - Gadsden

John A. Brinkley, Jr. – 23rd Judicial Circuit, Place 2 - Huntsville

John Earl Paluzzi – 24th Judicial Circuit - Carrollton

Stephen M. Kennamer – 38th Judicial Circuit - Scottsboro

Diandra S. Debrosse – At-Large, Place 1 - Birmingham

Rebecca G. DePalma – At-Large, Place 4 - Birmingham

Jeanne Dowdle Rasco – At-Large, Place 7 - Talladega

5. MINUTES OF THE MAY 4, 2012 BOARD OF COMMISSIONERS MEETING

President Pratt stated that the minutes of the May 4, 2012 board meeting had been transcribed and circulated prior to the meeting. He asked if there were corrections, additions or deletions. There were none.

COMMISSIONER BEDSOLE MOVED TO APPROVE THE MINUTES OF THE MAY 4, 2012 BOARD OF BAR COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

6. PRESIDENT'S REPORT

President Pratt gave an overview of his year as president. He thanked the staff and recognized Immediate Past President Spruell for her efforts this year. He noted that the operational changes implemented had increased the officers' support to the staff. President Pratt thanked the secretary and Ann Rittenour for their leadership in guiding the work on the front of the building and enhancing the security of the building by incorporating a new access system. He reminded the commission that one of his goals had been to increase the public awareness of the profession and this had been accomplished through work with the legislature. He also noted that the Leadership Forum program had helped increase the visibility of the profession in addition to training young lawyer leaders. President Pratt recommended for future consideration updating the bar's long range plan and the new area of staff continuity based on the projected retirement dates of senior staff. He suggested studying the possible removal of the bar from the state's fiscal and budgetary operations, and discontinuing the Alabama essay component of the Alabama State Bar exam as a unified bar exam state.

President Pratt next read a proposed resolution honoring Gale Skinner for her 30 years of service to the Alabama State Bar. The resolution read as follows:

WHEREAS, Gale Skinner began working for the Alabama State Bar in 1982; and

WHEREAS, Gale began her career operating the Lawyer Referral Service and maintaining the records for the Alabama Bar Record; and

WHEREAS, in 1985 after working diligently and conscientiously as the Lawyer Referral Service secretary, Gale was promoted to bookkeeper and financial secretary for the Alabama State Bar, a position she has held for 27 years; and

WHEREAS, Gale's tenure of service is the second longest of all present and former staff members of the Alabama State Bar.

NOW, THEREFORE, BE IT RESOLVED by the Board of Bar Commissioners of the Alabama State Bar this day assembled that Gale Skinner has rendered exceptional service to the Alabama State Bar and that she is hereby praised for her many years of dedication and loyalty and honored for her long time stewardship of the bar's financial records.

BE IT FURTHER RESOLVED that this resolution be recorded in the permanent minutes of this association and that Ms. Skinner be presented a copy in grateful appreciation for her many years of service.

COMMISSIONER COPELAND MOVED TO ADOPT THE RESOLUTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Pratt stated that the resolution would be presented at the September board meeting.

Following his report, the Board of Bar Commissioners gave President Pratt an ovation to express their appreciation for a job well done.

7. PRESIDENT-ELECT REPORT

President-elect Phillip McCallum praised President Pratt for the extraordinary amount of time he had put into the legislative process as president and the tremendous job of working to help secure the passage of the court cost bill. President-elect McCallum then discussed the progress of the search for the Lawyers' Assistance Program director. He explained that the search had been national and he thanked Laura Calloway and David Wooldridge for the time that they had invested in the process so far. He also recognized Squire Gwin, Eason Mitchell and others for their invaluable service in helping keep the program operating during Jeanne Marie's illness.

President-elect McCallum reported that continuing the state bar's relationship with the legislature will be very important. He stated that he would be appointing a task force to study the possible removal of the state bar from the state's fiscal and budgetary process. He also explained that access to justice would be important during his term and that he would be appointing a task force to study the long term plans for volunteer lawyer programs in the state. President McCallum also informed the commission that the ABA's National Pro Bono Summit would be held in Alabama in December and discussed his plans for developing a grass-root local bar outreach program for communication purposes during his presidency. He explained the role which the commission, the young lawyers' section and bar leadership would play in the program. Ashley Swink would be chairing the task force with assistance from communications director, Brad Carr. President-elect McCallum concluded his remarks by stating that he would host a leadership summit for bar leaders in September in Montgomery and would move forward on discontinuing the Alabama Essay component of the state bar examination. He also recognized his secretary, Christie Archer who was in attendance at the meeting.

8. SECRETARY'S REPORT

The Secretary stated that he had received a resolution from the Mobile Bar Association in memory of Judge Ferrell G. McRae. He stated that the Mobile Bar had requested that the resolution be included in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER BEDSOLE MOVED THAT THE RESOLUTION OF THE MOBILE BAR ASSOCIATION MEMORIALIZING THE HONORABLE FERRELL G. MCRAE BE INCLUDED IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The Secretary next informed the commission that Commissioner Robert Brogden's wife Kathy had been ill and recently hospitalized. He urged commissioners to contact Commissioner Brogden or send him wishes for the speedy recovery of his wife.

The Secretary concluded his remarks by reviewing the financial report for the third quarter. Following his discussion of the report, he asked if there were questions and there were none.

9. **REPORT OF THE OFFICE OF GENERAL COUNSEL**

General Counsel Tony McLain stated the Alabama Supreme Court had approved the changes to Rule 1.15 and 4.2 of the *Alabama Rules of Professional Conduct*.

10. **PROGRAMS UPDATE**

The Secretary reported that there was no programs update.

11. **PRO BONO WEEK TASK FORCE REPORT**

Commissioner Jeanne Rasco and Royal Dumas reported to the commission on Pro Bono Week plans. They discussed the activities being planned for the fourth year of the celebration and explained how the commissioners could help, as they have done in the past, make the pro bono week celebration a success. They also described the celebration CD containing resolutions, articles, speeches and other helpful materials that each of the commissioners would soon receive. In addition to Linda Lund, Director of the Alabama State Bar VLP, the directors of the three local VLPs were introduced including Shannon Shelby Ross (South Alabama), Kelly Mauro (Birmingham) and Angela Rawls (Huntsville). Commissioner Rasco and Mr. Dumas discussed a new idea that the task force had developed namely the Alabama Justice Bus. They explained that the bus would roll out in four different places across the state to provide legal clinics in those areas. They encouraged commissioners to take part in this unique delivery of pro bono. Next, Jimbo Terrell was recognized for his outstanding job as last year's task force chair. He was presented with the original proclamation signed by Governor Bentley proclaiming Pro Bono Week 2011.

12. **RULE III APPLICATIONS**

President Pratt stated that applications had been received from Susan Rachel Bryan (MS) and Thomas Young Choi (GA) seeking admission pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. He stated that both applicants met the requirements of Rule III including the character and fitness.

COMMISSIONER CROW MOVED TO ADMIT SUSAN RACHEL BRYAN (MS) AND THOMAS YOUNG CHOI (GA) PURSUANT TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

13. **APPROVAL OF THE 2012 CLASS OF ALABAMA LAWYERS HALL OF FAME**

President Pratt stated the Alabama Lawyers Hall of Fame Selection Committee had recommended the induction of John A. Caddell (Decatur), William Logan Martin, Jr. (Birmingham), Edwin Cary Page (Evergreen) and David J. Vann (Birmingham). He further stated that in the category of attorneys who had been deceased more than 100 years that the selection committee recommended the induction of William James Samford (Opelika).

COMMISSIONER MITCHELL MOVED TO INDUCT JOHN A CADDELL, WILLIAM LOGAN MARTIN, JR., EDWIN CARY PAGE, DAVID J. VANN AND WILLIAM JAMES SAMFORD IN THE ALABAMA LAWYERS HALL OF FAME. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

14. **ILLINOIS STATE BAR ASSOCIATION RESOLUTION SUPPORTING ABA'S CURRENT POLICY OF OPPOSING THE SHARING OF LEGAL FEES WITH NONE LAWYERS**

President Pratt stated that he had received a message from former ABA president Tommy Wells. He noted that the message from Mr. Wells indicated that the ABA has a task force studying this issue and that he recommended that the Alabama State Bar take no position on the issue at this time but rather let the task force finish its work.

COMMISSIONER WATSON MADE A MOTION THAT THE ALABAMA STATE BAR TAKE NO ACTION REGARDING THE RESOLUTION BEING OFFERED BY THE ILLINOIS STATE BAR ASSOCIATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. **RATIFICATION OF EXECUTIVE COUNCIL'S ELECTION OF BOBBY POUNDSTONE TO THE ABA HOUSE OF DELEGATES**

President Pratt explained that the Alabama State Bar was entitled to a fifth delegate by virtue of the number of in-state members but was only notified of this fact after the May board meeting. He said that because it was necessary to notify the ABA of names of any new delegates before the end of May, the Executive Council acted to fill the new position and selected Bobby Poundstone of Montgomery.

COMMISSIONER FAWAL MOVED TO RATIFY THE ACTION OF THE EXECUTIVE COUNCIL IN ITS APPROVAL OF ROBERT E. (BOBBY) POUNDSTONE IV TO FILL THE NEWLY DESIGNATED POSITION AS STATE BAR DELEGATE IN THE ABA HOUSE OF DELEGATES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. **MOTION TO ADJOURN TO A DATE CERTAIN**

President Pratt stated that the hour was late and there was still additional business for the commission to consider. He asked the pleasure of the commission.

COMMISSIONER FAWAL MOVED THAT WHEN THE COMMISSION ADJOURNED THAT IT ADJOURN TO A DATE CERTAIN SPECIFICALLY JULY 21 FOLLOWING THE ANNUAL BUSINESS MEETING AND GRANDE CONVOCATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.