

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, September 13, 2013

1. CALL TO ORDER

President Anthony Joseph 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, Montgomery, Alabama. Commissioner Chason gave the invocation.

2. ROLL CALL

The secretary called the roll of the commission and the following commissioners were present:

Halron W. Turner	Christy Crow	Terri O. Tompkins
Hays Webb	William H. Broome	Phil D. Mitchell
Leslie R. Barineau	S. Greg Burge	Barry A. Ragsdale
Augusta S. Dowd	Joseph A. Fawal	Brannon Buck
Thad Yancey, Jr.	Henry A. Callaway, III	Walter H. Honeycutt
Clay A. Lanham	Juan Ortega	Harry V. Satterwhite
James R. Beard	George R. Parker	Les Pittman
J. Flynn Mazingo	Cole Portis	Jeffery C. Duffey
William Randall May	David A. McDowell	John L. Jernigan
Harold Stephens	John A. Brinkley, Jr.	Daryl Burt
F. Patrick Loftin	Allan Chason	Sam Irby
Elizabeth Parsons	Rebecca Green Thomson	H. Jerome Thompson
Roger W. Pierce	John M. Plunk	Gregory M. Varner
Alexander M. Smith	Diandra S. DeBrosse	Meredith S. Peters
Rebecca G. DePalma	LaBarron Boone	Jeanne Dowdle Rasco
Monet Gaines	Ashley Swink Fincher	

The following commissioners were absent:

Jerry L. Thornton	Jana Russell Garner	Charles G. Reynolds, Jr.
Rocky Watson	Robert G. Methvin, Jr.	Teresa G. Minor
Derrick A. Mills	William A. (Pete) Short	Albert J. Trousdale, II
Lee H. Copeland	Donald Rhea	K. Scott Stapp
Julia C. Kimbrough	Hamp Baxley	John M. Peek
Rebekah K. McKinney	John Earl Paluzzi	Jerry Wayne Baker, Jr.
Robert L. Rumsey	Braxton W. Ashe	Jason P. Knight
Robert H. Brogden	J. Milton Coxwell, Jr.	Stephen M. Kennamer
Cooper Shattuck		

In addition, President-elect Richard Raleigh and Immediate Past President Phillip McCallum were in attendance. Staff members present included Tony McLain, Ed Patterson, Diane Locke, Laura Calloway, Linda Lund, Eric Anderson, Christina Butler, Brad Carr, Jeremy McIntire, Mark Moody and Tripp Vickers. Tracy Daniel, the director of the Alabama Law Foundation, Judy Keegan, director of the Alabama Center for Dispute Resolution and Suzi Edwards, legislative counsel were also in attendance.

3. INTRODUCTION OF GUESTS

President Joseph introduced David Alexander, president of the Calhoun County Bar Association. President Joseph also recognized the Honorable Hugh Maddox, retired Associate Justice of the Alabama Supreme Court and the Honorable Joel Dubina, a member of the 11th Circuit Court of Appeals. Both would be making a presentation later in the meeting.

4. APPROVAL OF THE MINUTES OF JULY 17, 2013 AND JULY 20, 2013 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETINGS AND THE MINUTES OF THE JULY 20, 2013 GRAND CONVOCATION AND BUSINESS MEETING

President Joseph stated that the minutes of the July 17, 2013 Board of Commissioners' meeting and its resumption on July 20, 2013 as well as the minutes of the July 20, 2013 Grand Convocation and Annual Business Meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER SMITH MOVED TO APPROVE THE MINUTES OF JULY 17, 2013 AND JULY 20, 2013 ALABAMA STATE BAR BOARD OF COMMISSIONERS' MEETINGS AND THE MINUTES OF THE JULY 20, 2013 GRAND CONVOCATION AND BUSINESS MEETING. THE MOTION WAS SECONDED AND APPROVED UNANIMOUSLY BY VOICE VOTE.

5. SPECIAL REPORT – AMERICAN INNS OF COURT

President Joseph call upon Justice Maddox and Judge Dubina for a report on the American Inns of Court. President Joseph praised both judges as shining examples of professionalism and noted that both had been recognized by the American Inns of Court for their professionalism. He also noted that Justice Maddox had recently received the Chief Justice's Award of Professionalism at this past summer's annual meeting.

Judge Maddox, state liaison for the American Inns of Court, took a moment to explain the history of the establishment of the first Inn of Court in Montgomery, Alabama. He referred to his article published in *The Alabama Lawyer* entitled "An Old Tradition with a New Mission-The American Inns of Court," which was included in the commission's meeting materials. He then discussed the different inns that are currently chartered in Alabama and their status as either active or inactive inns. They included Montgomery, Mobile, Dothan, Opelika, Tuscaloosa, Anniston, Gadsden, two in Birmingham, and

Huntsville. Judge Maddox stated that more inns were needed in Alabama because of the Inns of Court important mission of promoting professionalism.

Judge Dubina briefly discussed the Montgomery Inns of Court as the first Inns of Court organized in Alabama and the instrumental role played by Justice Maddox and the secretary, Keith Norman, in starting the chapter. Judge Dubina discussed the purpose of the Inns of Court which is professionalism, collegiality, ethics and civility. He expressed his opinion about the importance of these ideals and the fact that the Inns of Court play a significant role advancing these ideals. Judge Dubina then took a moment to express his appreciation for receiving the 11th Circuit Professionalism Award and noted that he would also be receiving the American Inns of Court National Professionalism Award named in honor of former Supreme Court Justice Lewis Powell. He stated that he was very humbled by these awards. Judge Dubina concluded his remarks noting that from his vantage point of sitting on the 11th Circuit, he has observed lawyers from all across the country. He stated that Alabama lawyers rank with the best of any lawyers anywhere and that he is very proud of Alabama lawyers.

President Joseph thanked Justice Maddox and Judge Dubina for their remarks and encouraged members of the commission to form new chapters or restructure existing chapters of the Inns of Court in their local areas.

6. **REPRIMANDS**

6.a. Damon Quinn Smith – Lauderdale County, ASB 2009-1757(A)

Mr. Smith entered a conditional guilty plea and accepted a 91 day suspension that was stayed pending completion of two years' probation. He successfully completed the probation and received a public reprimand for violating Rules 1.15, 1.3 and 1.4(a) of the *Alabama Rules of Professional Conduct* (ARPC).

6.b. Richard Sandefer – Jefferson County, ASB 2012-515

Mr. Sandefer received a public reprimand without general publication for violating Rules 1.3, 1.4(a), 1.4(b), 8.4(a), 8.4(c) and 8.4 (g) of the ARPC.

6.c. James Edward Loris, Jr. – Mobile County, ASB 2012-2007

Mr. Loris received a public reprimand without general publication for violating Rules 4.2, 7.3(b) and 8.4(g) of the ARPC.

6.d. Daniel Mathis Hurst – Rule 25(a), Petition Number 2011-858

Mr. Hurst was unexcused and did not appear for his reprimand.

7. **PRESIDENT'S REPORT**

President Joseph informed the commission that the Leadership Forum, which will be starting its 10th year, received the Gambrell Award at the National Conference of Bar Presidents and National Association of Bar Executives Annual Meeting in San Francisco

in August. He next reported that the PARCA study would be available at the end of September and would help the bar focus attention on improving judicial funding. President Joseph discussed consolidation of bar dues and the appointment of a task force to study this issue. He also remarked that he plans to promote ways the bar can become more relevant to all of its members during his year. President Joseph next highlighted the work of the Digital Communications Task Force as one way to make the bar more relevant. The president closed by mentioning that the Supreme Court had requested the bar to revisit the bar examination cut-score, which is currently set at 128, and report back with its recommendations by October 1. He remarked that a subcommittee was meeting following the commission meeting to discuss the cut-score. He stated that it was unlikely that a report with recommendations could be returned to the Supreme Court by October 1 and that he would request additional time from the court so that the Board of Bar Commissioners' would have an opportunity to consider any recommendations from the subcommittee before they were transmitted to the court.

Following the president's remarks, several commissioners had questions concerning the cut-score which were discussed at length.

8. SECRETARY'S REPORT

The secretary reported that a memorial resolution had been received from The Mobile Bar honoring the late Joseph Matranga with the request to include the resolution in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER HONEYCUTT MOVED THAT THE RESOLUTION RECEIVED FROM THE MOBILE BAR HONORING THE LATE JOSEPH MATRANGA BE PLACED IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The secretary then mentioned the recent problem involving a note forged on Alabama State Bar stationery sent to the financial aid office of Jacksonville State University. The letter stated that the student had been represented by the VLP and was legally separated. The secretary explained that once the school contacted the bar about the correspondence, the school was told that the letter was a forgery. The secretary stated that, as a consequence, the bar sent letters to university financial aid offices statewide alerting them to possible similar scams on their campuses.

9. OFFICE OF GENERAL COUNSEL REPORT

Mr. McLain thanked everyone for their prayers, emails, letters and calls during his time away from the bar. He then reported that the recent order of the Alabama Supreme Court would make Alabama a true uniform bar exam (UBE) state by removing the Alabama essay component starting with the July 2014 bar examination. He stated that the Board of Bar Examiners is developing an online course to replace the Alabama essay component which each person taking the bar exam would have to complete in order to be certified as having successfully completed the bar exam. Mr. McLain also reported that the score viability transfer rule was increased from 20 months to 25 months by the same order.

10. **EXTERNAL RELATIONS AND PROGRAMS UPDATE**

President Joseph called on Commissioner Rebecca DePalma for a report concerning the Leadership Forum. Commissioner DePalma who chairs the selection subcommittee for the forum stated that the application deadline for next year's leadership forum class was October 1, 2013. She asked the commissioners to encourage young lawyers to apply.

11. **DIGITAL COMMUNICATIONS UPDATE**

President Joseph introduced Eric Anderson as the Director of Digital Communications. Mr. Anderson gave a report updating the commission about the work that has been accomplished thus far. (Laura Calloway, Director of Service Programs reminded commissioners that on September 24th, the bar would be offering "Tech Tuesday" with a two hour CLE program on paperless office and two hours of training on e-filing).

12. **PRO BONO WEEK UPDATE**

President Joseph recognized Linda Lund. Ms. Lund stated that Pro Bono Week would be held October 20-26. She stated that Royal Dumas and Cassandra Adams were chair and co-chair of this year's celebration. Ms. Lund took a moment to discuss some of the new events planned for this year including a poverty simulation. She encouraged the commissioners to help get proclamations in their local areas signed to celebrate the week. She also noted that if anyone needed additional CDs containing the celebration kit to please let her know.

13. **AMENDING THE BYLAWS FOR THE CRIMINAL JUSTICE SECTION**

Ed Patterson was recognized for a report on the Criminal Justice Section bylaw changes. He stated that minor changes of the bylaws, originally approved in 2006, were being requested. He reported that the section is being reactivated after several years of inactivity and dues would be \$20 and that 50 lawyers so far have expressed a desire to be members of the reactivated section.

COMMISSIONER CROW MOVED TO SUSPEND THE RULES AND TAKE THIS ITEM OUT OF ORDER AND MOVE IT TO AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY TWO-THIRDS VOTE.

COMMISSIONER FAWAL MOVED TO APPROVE THE BYLAW CHANGES AS RECOMMENDED. THE MOTION WAS SECONDED AND APPROVED.

(A copy of the bylaws as proposed and approved are attached to these minutes as Appendix A).

14. **RULE III APPLICATIONS**

The president stated that four individuals had applied for admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. They were J.C.

Love, III (GA), Tanner Wood Pittman (GA), Abby Morrow Richardson (DC), and Bradley Hanson Wood (TN). He stated that they met all of the requirements including character and fitness for Rule III consideration.

COMMISSIONER CROW MOVED TO ADMIT J.C. LOVE, III, TANNER WOOD PITTMAN, ABBY MORROW RICHARDSON AND BRADLEY HANSON WOOD UNDER RULE III OF THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. AMENDMENTS TO THE BYLAWS OF THE CONSTRUCTION LAW SECTION

President Joseph stated that proposed changes to the Construction Law Section bylaws create two additional standing committees which are a programs committee and a legislation committee. He said that the other changes were capitalization of words and making the language of the bylaws gender neutral.

COMMISSIONER STEPHENS MOVED TO APPROVE THE AMENDMENTS AS PROPOSED TO THE BYLAWS OF THE CONSTRUCTION LAW SECTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the bylaws as proposed and approved are attached to these minutes as Appendix B.]

16. APPOINTMENT OF ATTORNEY AS MEMBER OF THE PRIVATE INVESTIGATORS BOARD

The president stated that a regulatory board for private investigators had been set up by an act approved by the legislature during the last session. He stated that one of the members of that board must be a lawyer appointed by the Alabama State Bar. The president asked if there were any nominations from the floor.

A discussion ensued concerning the appointment of a member to the private investigators board.

COMMISSIONER BOONE MOVED TO TABLE THE MATTER UNTIL THE NEXT MEETING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. MEMBER BENEFIT CHANGE THROUGH MERIDIAN ONE UPS

Ms. Calloway reported that Meridian One, which is a third party benefit provider, has advised the bar that they are terminating their relationship with FedEx effective October 31, 2013. She stated they had negotiated an association member benefit arrangement with UPS and they would like for the bar to enter into a new agreement to provide this benefit to our members to replace FedEx. This would be effective November 1, 2013. She stated that the proposed agreement is similar to the one the commission approved in connection with the FedEx member benefit program.

COMMISSIONER CROW MOVED TO APPROVE THE MEMBER BENEFIT CHANGE THROUGH MERIDIAN ONE FROM FEDEX TO UPS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. STAFF COMPENSATION FY2013-2014

President Joseph reported that the FY2014 budget provides \$3,102,122 for staff compensation. He stated that the recommended total for staff compensation for the new fiscal year was \$2,896,861.

COMMISSIONER FAWAL MOVED TO APPROVE THE STAFF COMPENSATION FOR FY2014 IN THE AMOUNT OF \$2,896,861. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. ADJOURNMENT

President Joseph 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.

Anthony A. Joseph, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar