

## MINUTES

### ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building  
Montgomery, Alabama

Friday, January 10, 2014

#### 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 Crow 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	Jana Russell Garner
Charles G. Reynolds, Jr.	Terri O. Tompkins	Hays Webb
William H. Broome	Rocky Watson	Leslie R. Barineau
S. Greg Burge	Barry A. Ragsdale	Robert G. Methvin, Jr.
Augusta S. Dowd	Teresa G. Minor	Joseph A. Fawal
Derrick A. Mills	Thad Yancey, Jr.	Henry Callaway, III
Walter Honeycutt	Clay A. Lanham	Juan Ortega
James R. Beaird	George R. Parker	Les Pittman
J. Flynn Mozingo	Cole Portis	Lee H. Copeland
William Randall May	David A. McDowell	John L. Jernigan, III
Harold Stephens	John A. Brinkley, Jr.	Rebekah K. McKinney
Daryl Burt	Allan Chason	Sam Irby
Braxton Ashe	Rebecca Green Thomason	H. Jerome Thompson
Roger W. Pierce	Gregory M. Varner	Diandra S. Debrosse
Cooper Shattuck	Meredith A. Peters	Rebecca G. DePalma
Alicia F. Bennett	LaBarron Boone	Jeanne Dowdle Rasco
Monet M. Gaines	Ashley Swink Fincher	

The following commissioners were absent:

Jerry L. Thornton	Phil D. Mitchell	Brannon Buck
William A. (Pete) Short	Albert J. Trousdale, II	Harry V. Satterwhite
Jeffery C. Duffey	Donald Rhea	K. Scott Stapp
Julia C. Kimbrough	Hamp Baxley	John M. Peek
John Earl Paluzzi	F. Patrick Loftin	Jerry Wayne Baker, Jr.
Robert L. Rumsey	Elizabeth Parsons	Jason P. Knight
Robert H. Brogden	J. Milton Coxwell, Jr.	Stephen M. Kennamer
John M. Plunk	Alexander M. Smith	

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, Robert Thornhill, Margaret Murphy, Angela Parks, Jeremy McIntire, Mark Moody, Tripp Vickers, Justin Aday and Dorothy Johnson. Tracy Daniel, 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. **APPROVAL OF THE MINUTES OF THE NOVEMBER 1, 2013 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETING**

President Joseph stated that the minutes of the November 1, 2013 Board of Commissioners meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER FAWAL MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 1, 2013 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND APPROVED UNANIMOUSLY BY VOICE VOTE.

4. **INTRODUCTION OF GUESTS**

President Joseph recognized Dudley Motlow, president of the Alabama Defense Lawyers Association (ACDLA). Commissioner Broome introduced Amber Ladner, president of the Alabama Criminal Defense Lawyers Association and commented that Commissioner Duffey was the immediate past president of ACDLA, Commissioner Webb was the vice president and he was the president-elect. Also recognized at the meeting were Randy Hillman, executive director of the Alabama District Attorneys Association; Mike Erment, president-elect of the Alabama Association for Justice and Carthenia Jefferson, executive director of the Alabama Lawyers Association. Commissioner Debrosse introduced two special guests. They were Kelli Edwards and Ambria Lankford. Ms. Edwards and Ms. Lankford participate in the Jefferson County Mentorship Program.

5. **REMARKS OF JUDGE JOHN ENGLAND, PRESIDENT OF THE ALABAMA CIRCUIT JUDGES ASSOCIATION**

President Joseph introduced Judge John England of Tuscaloosa who is serving as president of the Circuit Judges Association. Judge England thanked President Joseph and discussed the importance of the bar's participation in addressing the underfunding of the judicial system. He stressed the need for the bar to continue to help the judges as well as the judicial system to obtain adequate funding for the courts. After finishing his remarks, President Joseph thanked Judge England for traveling from Tuscaloosa to address the commission.

## 6. **REVIEW OF THE UPCOMING LEGISLATIVE SESSION**

President Joseph recognized Othni Lathram, director of the Alabama Law Institute to give a report on legislation for the 2014 legislative session. Mr. Lathram addressed what he knew would be considered during the 2014 session. He discussed the status of the budgets including the crisis in the general trust fund. He then discussed specific Alabama Law Institute legislation including business formation laws and legislation prompted by the Constitutional Revision Commission which recommended revisions to the 1901 constitution. Mr. Lathram mentioned that the taxpayer bill of rights, supported by the Tax Law Section of the Alabama State Bar, would be introduced again, and that there would be amendments to fix the judicial recusal statute and the legislative agency consolidation bill. Legislative Counsel, Suzi Edwards reported on her attendance at the National Association of Bar Executives Governmental Section Meeting in the fall. She thanked the commission for the opportunity to attend and urged commission members to call her if they have any questions concerning legislative matters occurring during the 2014 session.

President Joseph reminded the commissioners about the lawyer legislator breakfast the following Wednesday morning and encouraged as many members of the commission to attend as possible.

## 7. **REPRIMANDS**

7.a. Huel Malone Carter – ASB 2012-388

Mr. Carter received a public reprimand with general publication for violating Rules 4.1, 8.4(a), (c) and (g) of the *Alabama Rules of Professional Conduct* (ARPC).

7.b. Huel Malone Carter – ASB 2012-1178

Mr. Carter received a public reprimand with general publication for violating Rules 1.2, 1.3, 1.4(a) and (b), 1.5(c), 1.8(e), 1.16(d), 8.4(a), (c) and (g) of ARPC.

7.c. Richard Russell Williams - ASB 2012-788

Mr. Williams received a public reprimand without general publication for violating Rules 1.3 of ARPC.

7.d. Cynthia Hooks Umstead – ASB 2012-1017

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

7.e. Kevin Mark McCain – ASB 2012-1428

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

## 8. **PRESIDENT'S REPORT**

President Joseph reminded the commission that the Alabama State Bar would continue to be a resource to the slate of officers and legislative members during the 2014 legislative session. He then introduced Justin Aday, who will be following Dorothy Johnson as director of admissions, and Kelley Lee, who will be filling the newly created position of content manager for the Alabama State Bar. Mr. Aday and Ms. Lee were welcomed by the commission with a round of applause.

**9. SECRETARY'S REPORT**

The secretary reported that the state comptroller had notified him that the mileage reimbursement had increased to 56 cents per mile effective January 1, 2014. He next reported that a memorial resolution from the Mobile Bar Association in memory of Honorable Virgil Pittman had been received for inclusion in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER LANHAM MOVED TO ACCEPT THE RESOLUTION OF THE MOBILE BAR ASSOCIATION IN MEMORY OF THE HONORABLE VIRGIL PITTMAN FOR INCLUSION IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

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

Mr. McLain discussed the letter sent to Ms. Julie Weller, clerk of the Alabama Supreme Court on December 4, 2013 concerning a proposal received from Justice Parker to modify Rule IV(B)(2)(d) of the *Rules Governing Admission to the Alabama State Bar* regarding the admission of foreign law students. A copy of the letter was circulated to the members of the commission. He informed the commission that the proposed rule change would once again permit foreign students who were not first admitted in their own home country to practice law there to sit for the Alabama State Bar examination. Mr. McLain reminded the commission of rationale behind the bar seeking amendment to the original rule and the problems that would ensue if the court chose to essentially reinstitute the old rule. Following Mr. McLain's report, discussions and comments followed from many of the commissioners concerning this issue.

**11. DIGITAL COMMUNICATIONS REPORT**

Eric Anderson updated the commission on activities since the last meeting including the installation of the new Wi-Fi service in the state bar building. He stated that Ms. Lee would be coming aboard as the new content manager for the Alabama State Bar and he also reported that a RFP for a vendor to redesign the bar's website had earned several worthy proposals. Mr. Anderson also reported the consolidation of the dues statement would lower the costs of collecting bar fees and mandatory reporting compliance.

**12. SERVICE PROGRAMS UPDATE**

Laura Calloway reported that the UPS member benefit approved by the commission would become effective the following week and that anyone wishing to attend the ABA

Legal Tech Expo could obtain a discount on registration. She urged anyone who wished to attend the expo to contact her at their earliest convenience.

**13. UPDATE ON PROPOSED TEMPORARY RULE REGARDING MILITARY SPOUSES**

President-elect Rich Raleigh discussed the proposed rule which had been circulated to the commission in advance of the meeting and discussed at the previous meeting. He discussed the alternatives that were included in the current draft which would address the question of whether or not time spent by a military spouse practicing under this proposed temporary rule would count towards gaining reciprocity admission. Following his remarks on the proposed rule, there were several comments from commissioners including concern about providing a transition period in the event of the death of a military spouse so as to allow the attorney spouse sufficient time to contact the bar and to transition out of temporary practice. Another comment concerned whether or not the presiding judge in each circuit where a military spouse would be practicing under the proposed rule should be notified of the attorney's special status.

**14. CURRICULUM COMMITTEE REPORT**

Commissioner Dowd informed the commission that the exchange of outlines for the subject matter of the online videos would occur at the end of January.

**15. LAW DAY REPORT**

President Joseph recognized Chad Stewart, chair of the 2014 Law Day Committee. Mr. Stewart highlighted some of the planned activities including the essay, poster and social media contest. He informed the commission that information on Law Day and the contests were mailed to schools in October. He also noted that a proclamation claiming May 1 as Law Day in Alabama would be signed by Governor Bentley. Following his report, President Joseph thanked Mr. Stewart and the Law Day Committee for their hard work.

**16. CONSOLIDATED FEE STATEMENT REPORT**

President Joseph informed the commission that work was well underway on the consolidated fees invoice.

President-elect Raleigh stated that the design work of the consolidated fee invoice was largely done and that programming issues remain to be concluded in order to be ready in September.

**17. RULE III APPLICATIONS**

President Joseph stated that the following individuals had applied for admission on motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. They were Frank John Dantone, Jr. (MS); Matthew John Everitt (TN); Zulema Fayette Green (GA); Neil John Halvorson (WI); John Martin Lassiter (MS); Kimberly Henry

McCluney (GA); Keva Jeanette McDonald (VA); Robin Price Robertson (IL). He stated that each of the individuals had met all of the Rule III requirements, including character and fitness.

COMMISSIONER FAWAL MOVED THE ADMISSION OF FRANK JOHN DANTONE, JR. (MS); MATTHEW JOHN EVERITT (TN); ZULEMA FAYETTE GREEN (GA); NEIL JOHN HALVORSON (WI); JOHN MARTIN LASSITER (MS); KIMBERLY HENRY MCCLUNEY (GA); KEVA JEANETTE MCDONALD (VA); ROBIN PRICE ROBERTSON (IL) PURSUANT TO RULE III THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**18. AMENDMENTS TO THE BYLAWS OF THE YOUNG LAWYERS' SECTION**

President Joseph stated that a copy of the bylaws reflecting the changes as recommended and as previously discussed at the last meeting were included in the meeting materials. He asked if there were any questions concerning those changes. There were none.

COMMISSIONER STEPHENS MOVED TO ADOPT THE AMENDMENTS TO THE BYLAWS OF THE YOUNG LAWYERS' SECTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the bylaws as amended are included with these minutes as Appendix A.]

**19. HALL OF FAME SELECTION COMMITTEE APPOINTMENTS**

President Joseph reported that the Board of Bar Commissioners makes four appointments to the Lawyers Hall of Fame Selection Committee. He stated that the terms of four of the members had expired. Those four members were: Everette Price, Sam Rumore, Hon. Helen Shores Lee and Fred B. Simpson. He stated that Mr. Price and Mr. Rumore had indicated their desire to be considered for re-appointment and that Judge Lee and Mr. Simpson had asked not to be considered for re-appointment. President Joseph stated that recommended for appointment for the two positions previously held by Judge Lee and Mr. Simpson were Mr. Ed Sledge of Birmingham and Ms. Sandra Lewis of Montgomery.

COMMISSIONER CROW MOVED THAT NOMINATIONS BE CLOSED AND THAT MR. PRICE, MR. RUMORE, MR. SLEDGE AND MS. LEWIS ALL BE APPOINTED TO THE SELECTION COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**20. REQUEST FOR ALABAMA STATE BAR TO JOIN AS AMICUS ON ELEVENTH CIRCUIT BRIEF**

Tony McLain informed the commission that attorney James B. Rossler had asked the state bar to be an *amicus* on a brief filed in the Eleventh Circuit styled as J. Garrison Thompson v. Mississippi Valley Title Insurance Company. He noted that a copy of the brief had been included in the meeting materials. After discussing the nature of the case and the fact that he had received many calls from lawyers expressing their concern about the holding rendered by the Federal District Court for the Southern District which

was the subject of the appeal Mr. McLain stated that it was his recommendation that the Alabama State Bar join as *amicus* and adopt by reference the brief filed with the Eleventh Circuit Court of Appeals by the Alabama Defense Lawyers Association.

COMMISSIONER STEPHENS MOVED TO APPROVE THE ALABAMA STATE BAR'S JOINING AS *AMICUS* IN THE CASE OF THOMPSON V. MISSISSIPPI VALLEY TITLE INSURANCE PENDING BEFORE THE ELEVENTH CIRCUIT COURT OF APPEALS. THE MOTION WAS SECONDED.

Following the second, discussion ensued regarding the board's policy on the bar's participation as an *amicus* as well as further discussion about the matter pending before the Eleventh Circuit.

FOLLOWING THE DISCUSSION, THE QUESTION WAS CALLED AND THE MOTION WAS APPROVED BY VOICE VOTE.

**21. RATIFICATION OF THE ALABAMA STATE BAR BOARD OF SPECIALIZATION ACTION**

Angela Parks reported that the National Association of Counsel for Children (NACC) had submitted an application for accreditation as a certifying agency in Alabama in the area of child welfare-juvenile law. She stated that the American Bar Association originally accredited this specialty area in 2004 and reaccredited it on February 25, 2009. She stated that the Alabama State Bar Board of Legal Specialization had approved the NACC application and that it was requesting that the commission ratify their action.

COMMISSIONER WATSON MOVED TO RATIFY THE ALABAMA STATE BAR BOARD OF LEGAL SPECIALIZATION'S APPROVAL OF THE NATIONAL ASSOCIATION OF COUNSEL FOR CHILDREN'S APPLICATION FOR ACCREDITATION AS A CERTIFYING AGENCY IN ALABAMA. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**22. FUNDING REQUEST BY THE BOARD OF BAR EXAMINERS FOR ONLINE CURRICULUM HOST**

The secretary on behalf of the Board of Bar Examiners explained that a memo from the subcommittee seeking pricing for an online host for the online curriculum had provided information regarding Scholar Lab. He stated that the Board of Bar Examiners were requesting approval of an expenditure of up to \$15,000 to cover the cost of Scholar Lab hosting the online curriculum for the bar exam. The secretary informed the commission that the subcommittee had contacted several potential vendors and programmers and that the Scholar Lab proposal was by far the most economical and appeared to meet all of the criteria required for hosting the online curriculum.

COMMISSIONER COPELAND MOVED TO AUTHORIZE THE EXPENDITURE OF UP TO \$15,000 FOR THE INITIAL HOSTING COST OF THE ALABAMA BAR EXAM ONLINE CURRICULUM. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**23. ADDITIONAL FUNDS FOR LEADERSHIP FORUM**

President Joseph stated that the Leadership Forum had requested an additional \$10,000 for underwriting the cost of the program for 2014.

COMMISSIONER FAWAL MOVED TO AUTHORIZE AN ADDITIONAL \$10,000 FOR THE LEADERSHIP FORUM FOR 2014 PROGRAM YEAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**24. 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.

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Anthony A. Joseph, President  
Alabama State Bar

ATTEST:

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Keith B. Norman, Secretary  
Alabama State Bar