

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, October 28, 2016

1. CALL TO ORDER

President Cole Portis 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 Cooper Shattuck gave the invocation.

2. ROLL CALL

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

Halron W. Turner	J. Levi Nichols	Jana Russell Garner
Terri O. Tompkins	Leslie R. Barineau	John A. Smyth, III
Barry A. Ragsdale	Robert G. Methvin, Jr.	LaBella S. Alvis
Michael D. Ermert	Allison O. Skinner	Brannon J. Buck
Kenneth Moore	Ralph E. Holt	C. Zack Moore
William R. Lancaster	Bryan E. Comer	James Rebarchak
George R. Parker	Les Pittman	J. Flynn Mozingo
C. Gibson Vance	Jeffery C. Duffey	J. David Martin
Donald R. Rhea	Tom Perry, Jr.	William Randall May
Mark S. Boardman	Anne Malatia Glass	Robert L. Bowers
R. Cliff Mendheim	Manish H. Patel	Tazewell T. Shepard, III
Rebekah K. McKinney	M. Clay Martin	Audrey O. Strawbridge
J. Daryl Burt	F. Patrick Loftin	J. Lynn Perry
Erskine R. Funderburg, Jr.	H. Thomas Heflin, Jr.	Roy W. Williams, Jr.
Lee F. Knowles	Andrew D. Stanley	Matthew C. Mitchell
Donald B. Mansell	Scott L. McPherson	Diandra S. Debrosse
R. Cooper Shattuck	Karen L. Laneaux	Jeanne Dowdle Rasco
Monet M. Gaines	Sam Irby	

The following commissioners were absent:

Courtney R. Potthoff	Larry W. Morris	Hays Webb
William H. Broome	Emily L. Baggett	Dana Grimes
Erik Stephen Heninger	Thad Yancey, Jr.	Frederick G. Helmsing, Jr.
Charles C. Tatum, Jr.	Eric Coale	John A. Brinkley, Jr.
Clint L. Maze	Steven D. Adcock	Sharon Hindman Hester
W. Thomas Chapman, II	Gregory M. Varner	Rebecca G. DePalma
Ashley Swink Fincher		

Also in attendance were President-elect Augusta Dowd, Immediate Past President Lee Copeland and board counselor Richard J.R. Raleigh, Jr. Staff members in attendance were: Tony McLain, Diane Locke, Robert Thornhill, Ed Patterson, Linda Lund, Merinda Hall, Justin Aday, Eric Anderson, Laura Calloway, Tripp Vickers, Mark Moody and Jeremy McIntire. Also in attendance were Suzi Huffaker, legislative counsel, Tracy Daniel, director of Alabama Law Foundation as well as Parker Miller, president of the Young Lawyers' Section.

3. **APPROVAL OF THE MINUTES OF THE SEPTEMBER 16, 2016 BOARD MEETING**

President Portis stated that the minutes of the September 16, 2016 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 HEFLIN MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 16, 2016 BOARD OF COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

4. **REPRIMANDS**

4.a. John Stanley Morgan, Etowah County, ASB 2015-1545

Mr. Morgan received a public reprimand with general publication for violating Rule 1.5(a) and (e) of the *Alabama Rules of Professional Conduct (ARPC)*.

5. **PRESIDENT'S REPORT**

President Portis thanked the local bar presidents in attendance and expressed his appreciation for the work of the Local Bar Task Force in planning the local bar retreat. The president highlighted his speaking engagement in Tuskegee at a ceremony to honor Fred Gray as well as at the Opening of Court ceremony. He also mentioned meeting with the Supreme Court to discuss the bar's assistance with the legislature on issues including court funding. President Portis reported briefly on the executive director search and highlighted ongoing committee work including Lawyer University, member benefits, and emphasis on minority participation. He concluded by noting that the state bar officers would be meeting with law school deans in November and that the 2017 annual meeting was scheduled for Point Clear at the Grand Hotel, July 12-15.

6. **FINANCE REPORT**

Finance Director Merinda Hall reviewed the year-end report for FY2015-16.

7. **LOCAL BAR TASK FORCE REPORT**

Commissioners Gibson Vance and Bob Methvin reported on the success of the local bar retreat which was attended by 30 local bar presidents. During the conference, several remarks were made by local bar presidents about their concerns including the costs of health insurance, lawyer advertising, professionalism, mentoring and getting millennial lawyers involved with the local bar. The local bar presidents in attendance as well as

commissioners were told of the availability of staff members from the state bar to attend and speak at local bars as a part of the roadshow program.

8. SERVICE PROGRAMS REPORT

Service Program Director Laura Calloway updated the commission on the work of the Membership Benefits Task Force. She stated that two new membership benefit proposals were likely to be ready at the next meeting. She also reported that the task force continues to meet and she encouraged commissioners as well as local bar presidents to consider scheduling a roadshow for their local bar meetings.

9. DIGITAL COMMUNICATIONS REPORT

Director of Digital Communications Eric Anderson reminded the board of the website survey and asked the commissioners to encourage local lawyers to respond to the survey. He discussed the consolidated fee invoice noting that 46 percent of the payments so far have been online and roughly six percent by the voucher process. He stated that roughly 15,000 members had purchased their license or paid special membership dues.

10. PRO BONO REPORT

Former commissioner Christy Crow provided a report on the impressive number of activities and events scheduled during the month of October to celebrate the month as pro bono month. Next, Commissioner Taze Shepard who organized the Bankruptcy Summit gave a report on the program held at the state bar featuring personnel from bankruptcy courts from across the state as well as representatives from the local volunteer lawyer programs. Finally, Commissioner Skinner updated the commission on the Avoid Foreclosure Program for Alabama. She stated that the Alabama Law Foundation, the Volunteer Lawyer Programs, Civil Justice Foundation and the Center for Dispute Resolution as well as stakeholders have come together to implement this new program. She distributed a brochure describing the program to those attending the meeting.

11. LAWYERS ASSISTANCE PROGRAM REPORT

Director Robert Thornhill reported on the planning for the third annual retreat at Camp Sumatanga scheduled for April 7-8, 2017. He stated that it would be a time of training and comradery. He also noted that several articles had been prepared by the program for publication in an upcoming issue of *The Alabama Lawyer* that focus on lawyer assistance.

12. LOUISIANA FLOOD PROJECT UPDATE

Parker Miller, President of the Young Lawyers' Section, gave an overview of the assistance project including the amount of supplies and money collected to be sent to Louisiana to assist the victims of flooding.

13. REVISED BYLAWS FOR THE LEADERSHIP FORUM SECTION

Commissioner Diandra Debrosse reported that the proposed bylaw changes include a name change of the section to the Alabama State Bar Leadership Forum Alumni Section

and would eliminate the positions of secretary and treasurer while adding two additional director positions.

COMMISSIONER GAINES MOVED TO SUSPEND THE RULES IN ORDER TO CONSIDER THE PROPOSED AMENDMENTS TO THE LEADERSHIP FORUM SECTION BYLAWS. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER MARTIN MOVED TO APPROVE THE PROPOSED LEADERSHIP FORUM BYLAW CHANGES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

(A copy of the bylaw amendments is attached to these minutes as Appendix A).

14. **RULE III APPLICATIONS**

The secretary reported that six individuals had requested admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. He stated they were Adam Christopher Cobb (IN), Jennifer Lynn Foutch (IL), Donald E. Knapp, Jr. (MS), Raven Delene Perry-Beach (TN), Joshua Jerome Wendell (TX) and Benn Charles Wilson (GA). He stated that each candidate had met the requirements of Rule III in order to be considered for admission.

COMMISSIONER VANCE MOVED TO ADMIT BY MOTION ADAM CHRISTOPHER COBB, JENNIFER LYNN FOUTCH, DONALD E. KNAPP, JR., RAVEN DELENE PERRY-BEACH, JOSHUA JEROME WENDELL AND BENN CHARLES WILSON 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.

15. **AMENDMENTS TO THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR**

Justin Aday, Director of Admissions discussed five substantive rule changes that were being proposed: (1) increasing the fee from \$50 to \$100 for postponing the bar exam; (2) allowing the bar exam fee to be carried forward for one examination only; (3) increasing the “shelf life” of the Multi-State Professional Responsibility Exam (MPRE) to 25 months; (4) a forfeiture of a bar exam fee if a candidate receives adverse character and fitness determination and (5) removing the requirement that a reciprocity candidate certify his or her intention to conduct at least 75 percent of their practice in Alabama and have an office in the state under Rule III (reciprocity). Discussion ensued on the reciprocity rule and the other proposed rule changes. After extensive and prolonged discussion primarily opposing the proposed reciprocity rule change, President Portis informed the commission that Items 1-4 would be voted on separately from the proposed reciprocity rule change.

COMMISSIONER SHEPARD MOVED TO APPROVE AMENDMENTS TO ITEMS 1-4 INVOLVING *THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER METHVIN THEN MOVED TO APPROVE THE AMENDMENT AS NOTED UNDER ITEM 5 RELATING TO RECIPROCITY. THE MOTION WAS SECONDED. PRESIDENT PORTIS CALLED FOR A SHOW OF HANDS ON THE RECIPROCITY AMENDMENT. THE VOTE REFLECTED 19 IN FAVOR AND 34 OPPOSED. THE MOTION FAILED.

(A copy of the amendments (items 1-4) to *the Rules Governing Admission to the Alabama State Bar* are attached as Appendix B.)

16. FINANCIAL MANAGEMENT POLICY FOR SECTIONS

Finance Director Merinda Hall presented a new policy for sections that formalized previous rules and practices and included electronic point of sales guidelines as well as additional guidelines for opt-out sections which had been discussed at the previous meeting.

COMMISSIONER DEBROSSE MOVED TO APPROVE THE FINANCIAL MANAGEMENT POLICY FOR SECTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

(A copy of the new financial management policy for section's as approved is attached to these minutes as Appendix C).

17. LEADERSHIP FORUM CLASS 13

Mr. Tom Warburton, a member of the Leadership Forum Selection Committee, appeared before the commission to offer the selection committee's recommendation of 30 members and four alternates for the 13th Leadership Forum Class. The candidates and alternates were as follows:

Adams, Cassandra W.
 Avery, C. Jason
 Barlotta, Rachel V.
 Baxley, Charlie G.
 Brown, Valerie J.
 Chawla, Pooja
 Chesnut, R. Patrick
 Cornelius, Maggie J.
 Drummond, Krystal L.
 Espy, Wm M. 'Bill'
 Geer, III, John J.
 Han, Susan N.
 Hawthorne, Alison D.
 Hicks, J. Bradford
 Hill, Jonathan C. 'Rudy'
 Huff, Michael P.
 Isbell, Jason S.
 Marshall, Amy C.
 Oswalt, Cheryl H.
 Penhale, Ashley N.
 Pickett, Kandice E.

Pittard, Leanna B.
 Pruet, Daniel F.
 Robertson, Brandy L.
 Sanders, Adam L.
 Sheehan, W. Allen
 Sullivan, Kristin W.
 Talley, Annie Donaldson
 Tompkins, Jason B.
 Williams, J. Reed

Alternates

Yang, Soo Seok
 Payne, Joshua K.
 Head, Mary Katherine
 Parrish, Russell N.

COMMISSIONER GAINES MOVED TO APPROVE THE RECOMMENDED LIST OF CANDIDATES AND ALTERNATES FOR LEADERSHIP FORUM CLASS 13. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. NOMINEES TO THE ALABAMA BOARD OF COURT REPORTING

President Portis reported that Commissioner Leslie Barineau, Commissioner Jeff Duffey and Mr. David Rains of Tuscaloosa had indicated their willingness to have their names placed in nomination and transmitted to the Lt. Governor for one of them to be appointed by the Lt. Governor to the Alabama Board of Court Reporting.

COMMISSIONER REBARCHAK MOVED TO TRANSMIT THE NAMES LESLIE BARNIEAU, JEFF DUFFEY AND DAVID RAINS TO THE OFFICE OF LT. GOVERNOR FOR HER CONSIDERATION FOR APPOINTMENT TO THE VACANCY ON THE BOARD OF COURT REPORTING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. APPOINTMENT OF MEMBERS FOR THE JUDICIAL COMPENSATION COMMISSION

The president reported that the terms of Broox Garrett and Maibeth Porter on the Judicial Compensation Commission would expire in December. He stated that they had indicated that if the commission appoints them to another term that they would willingly serve.

COMMISSIONER DEBROSSE MOVED TO REAPPOINT BROOX GARRETT AND MAIBETH PORTER TO ANOTHER TERM ON THE JUDICIAL COMPENSATION COMMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. CLE CREDIT FOR PRO BONO WORK

Commissioner Garner presented an amendment to the MCLE Rules on behalf of the MCLE Commission which would award three CLE credits for pro bono service (1.0 CLE credit for each six hours of pro bono service) rendered through a VLP.

COMMISSIONER GAINES MOVED TO APPROVE THE RULE CHANGE. THE MOTION WAS SECONDED.

Discussion ensued both in favor of the proposed rule change and in opposition to the rule change.

AFTER THE CONCLUSION OF THE DISCUSSION, PRESIDENT PORTIS CALLED FOR A VOTE. THE MOTION WAS APPROVED BY VOICE VOTE.

21. 2017-2018 BUDGET REQUEST

Finance Director Merinda Hall reported on the requested budget for FY2018. She stated that the requested amount is \$6,970,000. She stated this was a 1.75 percent increase over the FY2017 budget request.

COMMISSIONER GLASS MOVED TO APPROVE THE BUDGET AS PRESENTED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. ADJOURNMENT

President Portis 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.

J. Cole Portis, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar