

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Hilton Sandestin
Coastal Ballroom C
Destin, Florida

Wednesday, June 27, 2018

1. CALL TO ORDER

President Augusta S. Dowd convened this meeting of the Alabama State Bar Board of Commissioners at 3:00 p.m. in Coastal Ballroom C of the Hilton Sandestin, Destin, Florida. Commissioner Kira Fonteneau gave the invocation.

2. ROLL CALL

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

LaBella S. Alvis	Emily L. Baggett	Raymond L. Bell, Jr.
Mark S. Boardman	Robert L. Bowers, Jr.	Jeffrey L. Bowling
John A. Brinkley, Jr.	William H. Broome	Brannon J. Buck
Bryan E. Comer	Latisha R. Davis	Diandra S. Debrosse
Michael D. Ermert	J. Langford Floyd	Kira Y. Fonteneau
Monet McCorvey Gaines	Jana Russell Garner	Anne Malatia Glass
Dana Grimes	H. Thomas Heflin, Jr.	Frederick G. Helmsing, Jr.
Ralph E. Holt	Clinton H. Hyde	Brett A. King
Karen Laneaux	Donald B. Mansell	M. Clay Martin
David Martin	William Randall May	Clint L. Maze
Rebekah Keith McKinney	Robert G. Methvin, Jr.	Larry W. Morris
J. Flynn Mozingo	J. Levi Nichols	George R. Parker
James Lynn Perry	Taylor T. Perry, Jr.	Courtney R. Potthoff
Barry A. Ragsdale	Jeanne Dowdle Rasco	James Rebarchak
Tazewell T. Shepard, III	Scott Shipman	Allison O. Skinner
John A. Smyth	John T. Stamps, Jr.	Andrew D. Stanley
Charles C. Tatum, Jr.	Halron W. Turner	C. Gibson Vance

The following commissioners were absent:

Steven D. Adcock	Leslie R. Barineau	Robert H. Brogden
Rebecca G. DePalma	Jeffery C. Duffey	Erskine R. Funderburg, Jr.
J. Kirkman Garrett	Christy Williams Graham	Erik Stephen Heninger
William R. Lancaster	F. Patrick Loftin	R. Cliff Mendheim

Matthew C. Mitchell	Charles Zachery Moore	Kenneth Moore
Manish H. Patel	Les Pittman	Donald R. Rhea
Audrey O. Strawbridge	Terri Olive Tompkins	Gregory M. Varner
Hays Webb	Roy W. Williams, Jr.	Thad Yancey, Jr.

Also in attendance were President-elect Sam Irby, President-elect Designate Christy Crow and Immediate Past President Cole Portis. Staff members in attendance were: Roman Shaul, Douglas McElvy, Jeremy McIntire, Mark Moody, Tripp Vickers, Justin Aday, Laura Calloway, Merinda Hall, Linda Lund, Alex Rice, Margaret Murphy, and Diane Locke. Also in attendance was Tracy Daniel, director of the Alabama Law Foundation.

3. INTRODUCTION OF GUESTS

President Dowd recognized special guests including David Dowd, Ginger Avery, executive director of the Alabama Association for Justice, Steve Nichols, president of the Alabama Association for Justice, Jennifer Hayes, executive director of the Alabama Defense Lawyers Association, Dennis Bailey, president of the Alabama Defense Lawyers Association, Harlan Prater, chair of the Disciplinary Rules and Enforcement Committee, Michael Upchurch, member of the Disciplinary Rules and Enforcement Committee, Mary Margaret Bailey, vice president of the Alabama Law Foundation Board of Trustees, Juan Ortega, chair of the Member Benefits Committee, Tim Gallagher, chair of the Pro Bono Celebration Task Force, Judge Bill Shashy, Judge J.R. Gaines, Chip McCallum, former commissioner Billy Bedsole, Olivia Harvis, daughter of Commissioner Tish Davis, and Eileen Harris, executive director of the Alabama Center for Dispute Resolution.

4. APPROVAL OF THE MINUTES OF THE MAY 4, 2018 BOARD MEETING

President Dowd stated that the minutes of the May 4, 2018 Board Meeting had been transcribed and circulated prior to the meeting. She asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER PERRY MOVED TO APPROVE THE MINUTES OF THE MAY 4, 2018 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. RECOGNITION OF RETIRING COMMISSIONERS AND NEW COMMISSIONERS

President Dowd recognized those members of the commission who are retiring. They were:

Hays Webb	6th Judicial Circuit, Place 2
Leslie Barineau	10th Judicial Circuit, Place 1

Thad Yancey	12th Judicial Circuit
Les Pittman	15th Judicial Circuit, Place 2
Donald Rhea	16th Judicial Circuit
Audrey Strawbridge	24th Judicial Circuit
Steven Adcock	29th Judicial Circuit
Matthew Mitchell	38th Judicial Circuit
Rebecca DePalma	At Large, Place 4

Next, President Dowd recognized the new members of the commission whose terms commence July 1, 2018. They were:

Scott Holmes	6th Judicial Circuit, Place 2
Jimbo Terrell	10th Judicial Circuit, Place 1
Carmen Howell	12th Judicial Circuit
Pat Sefton	15th Judicial Circuit, Place 2
Brad Cornett	16th Judicial Circuit
Amanda Walters Porter	24th Judicial Circuit
Sally Bowers	29th Judicial Circuit
Deborah Dunsmore	38th Judicial Circuit
Chuck Price	At Large, Place 4

6. RECOGNITION OF LABELLA ALVIS AS RECIPIENT OF COMMISSIONERS' AWARD

President Dowd recognized Commissioner LaBella Alvis as the recipient of the Commissioners' Award. In particular, President Dowd recognized the work of Commissioner Alvis on the Member Relations Task Force, which she co-chaired with President-Elect Irby. President Dowd also recognized other involvement in state and local bar service by Commissioner Alvis, including her work as a founding member and director of the Birmingham Volunteer Lawyers Program.

7. **RECOGNITION OF 2017-2018 OFFICERS AND EXECUTIVE COUNCIL**

President Dowd recognized Vice President Diandra “Fu” Debrosse and executive council members Tom Perry and George Parker. She thanked the officers and executive council members for their service and support during her year as president.

8. **PRESIDENT’S REPORT**

President Dowd updated the commission on “State of the Bar” presentations that have been given to date and future presentations that have been scheduled. She reported that participation by many bar members had made the 2018 Legal Food Frenzy a huge success. She also thanked the commissioners who were able to attend the Alabama Lawyers Hall of Fame Induction Ceremony after the board meeting on May 4, 2018.

President Dowd informed the commission that she had the opportunity to represent the bar at the Young Lawyers Section Orange Beach CLE, the graduation ceremony of Birmingham School of Law, and the Leadership Forum graduation ceremony. She also informed the commission that, since the last board meeting, bar leadership had a productive lunch with the Supreme Court of Alabama.

President Dowd recognized Douglas McElvy and thanked him for his service as Acting General Counsel of the Alabama State Bar. She also thanked Mr. McElvy for his work during the transition to General Counsel Roman Shaul, who started work at the bar on June 18, 2018.

President Dowd expressed condolences to the family of Attorney General Steve Marshall, on the death of his wife Bridgette. President Dowd requested that the commission observe a moment of silence for the Marshall family.

President Dowd concluded her remarks by thanking the commission for its courtesy to her as bar president. She also thanked the members of the commission for expressing their opinions in a professional manner and for the transparent way in which business was conducted during her presidency.

9. **PRESIDENT-ELECT REPORT**

President Dowd recognized President-Elect Sam Irby to give a brief report to the commission. Mr. Irby thanked President Dowd for her service to the bar, for being transparent as president of the bar and for assisting him as he prepares to take office as president. Mr. Irby said that he looks forward to serving as president and working with the commission to make positive improvements for the bar.

Mr. Irby recognized those who would be put forth as nominees for officers and members of the executive council for the 2018-2019 bar year. He informed the commission that the following were being nominated subject to the commission’s approval: Taze Shepard, vice president; Jana Garner, Monet Gaines and Tom Perry as

executive council members and Fred Helmsing as an ex-officio member. He also informed the commission that he would be appointing a President's Task Force to facilitate communication between the executive council and the commission as a whole. Mr. Irby recognized the task force members John Brinkley and Levi Nichols as the co-chairs, Tom Heflin, Clint Maze, Cliff Mendheim, Manish Patel, Jeanne Rasco, John Stamps, Andrew Stanley, Terri Tompkins and Hal Turner.

10. SECRETARY/EXECUTIVE DIRECTOR'S REPORT

Secretary/Executive Director McCallum informed the commission that a new commissioner orientation was held on June 26, 2018. The session was well-attended and provided the new commissioners an opportunity to hear from bar staff and become acquainted with operations of the bar. He reminded the commission of events at the Annual Meeting including the commissioners' reception, the opening night family dinner and the closing night president's dinner. He also encouraged the commissioners to attend the Grand Convocation and installation of Sam Irby as president.

11. COMMISSIONER COMMENTS – ANDREW STANLEY

President Dowd recognized Commissioner Stanley to give brief comments on behalf of his circuit. Commissioner Stanley greeted the commission on behalf of the 37th Judicial Circuit in Lee County. Commissioner Stanley reported that there are 129 active members of the Lee County Bar Association and that the association hosts monthly CLE luncheons, a well-attended Christmas party and a summer "Bar and Braves" event, in which members attend an Atlanta Braves baseball game.

12. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Roman Shaul reported to the commission that he has been on the job for one week and, in that time, he has been able to meet the staff and begin learning the particulars of the job. He commended the experience of the staff in the Office of General Counsel and said that he hopes to identify ways in which the office can create efficiencies and become less dependent on paper.

13. PRESENTATION OF BIG COMMUNICATIONS ON PROGRESS OF BRANDING AND WEBSITE PROJECT

Mark Ervin, Chief Strategy Officer of BIG Communications, updated the commission on the re-branding and website design work being performed for the bar. Mr. Ervin showed samples of a new logo and website design and informed the commission that the project was on track and that the new logo and website were scheduled to go live in the next six months.

14. UPDATE OF DISCIPLINARY RULES & ENFORCEMENT COMMITTEE

Harlan Prater, chair of the Disciplinary Rules & Enforcement Committee, and Michael Upchurch, member of the committee and chair of the Lawyer Advertising Subcommittee, updated the commission on work being done by the committee to review the current rules on lawyer advertising. Mr. Prater and Mr. Upchurch informed the committee that extensive work had been done to review the current lawyer advertising rules and what may be done to improve the rules without compromising First Amendment free speech protections. They also reported that the committee had worked diligently with the staff of the Office of General Counsel and would continue to work toward possible recommendations for improving lawyer advertising rules.

15. DISCUSSION OF MEMBER BENEFIT PROPOSALS

Juan Ortega, chair of the Member Benefit Committee, reported to the commission that the committee had reviewed several proposals by entities seeking to be recognized as member benefits providers. Mr. Ortega informed the commission that the Member Benefits Committee recommends adding the following as member benefits providers: Local Hospitality (travel discounts), Orlando Employee Discounts (discounts for Orlando travel and local attractions), Avis/Budget (rental car discounts), and Conference America (discounts for telephone and video conferencing services).

16. LOCAL BAR TASK FORCE UPDATE

Commissioner Methvin updated the commission on the work of the Local Bar Task Force. He informed the commission that the task force was created to improve communications between the state bar and local bars. He also informed the committee that the task force had been active and assisted in coordinating the “State of the Bar” presentations, which have been presented to most local bar associations in the state.

17. PRO BONO CELEBRATION TASK FORCE UPDATE

Tim Gallagher, chair of the Pro Bono Celebration Task Force, and Commissioner Emily Baggett, vice chair of the Pro Bono Celebration Task Force, updated the commission on planning that is underway for the 2018 Pro Bono Month in October. They informed the commission that this was the 10th anniversary of the nationwide Pro Bono Month, and that Alabama has participated each year and been recognized nationally for its participation. They informed the commission that Pro Bono Month resources are available on the state bar website and asked commissioners to access the resources and share them with their constituents.

Commissioner Baggett and Mr. Gallagher recognized Commissioner Jana Garner for her work as chair of the 2017 Pro Bono Celebration Task Force and presented her with a signed Proclamation of the Governor, recognizing October as Pro Bono Month. They also informed the commission that Commissioner Garner is this year’s recipient of the Albert Vreeland Pro Bono Award.

18. CIVIL JUSTICE SUMMIT (LISTENING SESSIONS) UPDATE – COMMISSIONER TAZE SHEPARD

Commissioner Shepard informed the commission that all listening sessions in advance of the Civil Justice Summit are now complete. He said that there was a great response to the listening sessions and the feedback will provide invaluable data and information to make a difference for underserved individuals in need of access to legal services in Alabama. Commissioner Shepard thanked the commissioners for their support of the listening sessions and encouraged them to attend the Annual Meeting programs related to access to justice.

19. 2018 ALABAMA LAWYERS HALL OF FAME CLASS

President Dowd reported that the selection committee of the Alabama Lawyers Hall of Fame had recommended four individuals who have been deceased at least two years. They are Carl Atwood Elliott, Robert Huffaker, Henry Upton Sims, and George Peach Taylor. She stated that the selection committee had also recommended the induction of Jeremiah Clemmons who has been deceased more than 100 years.

COMMISSIONER SKINNER MOVED TO APPROVE THE INDUCTION OF CARL ATWOOD ELLIOTT, ROBERT HUFFAKER, HENRY UPTON SIMS, GEORGE PEACH TAYLOR, AND JEREMIAH CLEMMONS TO THE ALABAMA LAWYERS HALL OF FAME. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. APPOINTMENT OF MEMBER TO DISCIPLINARY COMMISSION

President Dowd informed the commission that she had solicited nominations for a vacancy on the Disciplinary Commission. The only nomination received for the vacancy was that of Commissioner Tom Perry.

COMMISSIONER BRINKLEY MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER GAINES MOVED TO APPROVE THE APPOINTMENT OF COMMISSIONER TOM PERRY TO THE DISCIPLINARY COMMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. APPOINTMENT OF HEARING OFFICERS

President Dowd informed the commission that she had solicited nominations for the upcoming vacancies of three hearing officer positions on the hearing panels of the Disciplinary Board. The following individuals were nominated to fill the hearing officer positions: David Brown, Shawn Cole, Commissioner Diandra Debrosse, Bill Gamble, Commissioner George Parker, Billy Traeger, and Jayne Harrell Williams.

President Dowd informed the commission that the nomination of Billy Traeger was being rescinded, due to a potential conflict of Mr. Traeger serving as a hearing officer while his law partner, Commissioner Perry, serves as a member of the Disciplinary Commission.

COMMISSIONER BRINKLEY MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED TO FILL THE THREE VACANT HEARING OFFICER POSITIONS AND THE FOLLOWING WERE ELECTED AS HEARING OFFICERS: COMMISSIONER DIANDRA DEBROSSE, BILL GAMBLE, AND COMMISSIONER GEORGE PARKER.

22. APPOINTMENT OF DISCIPLINARY PANEL MEMBERS

President Dowd informed the commission that she had solicited nominations for upcoming vacancies of three panel member positions on the hearing panels of the Disciplinary Board. Commissioner Dowd informed the commission that these three positions must be filled by members of the commission. The following individuals were nominated to fill the panel member positions: Commissioner LaBella Alvis, Commissioner David Martin, Commissioner Charles Price II, Commissioner Jim Rebarchek, Commissioner John Stamps, Commissioner Andrew Stanley, and Commissioner Charles Tatum.

Commissioner Shipman nominated Commissioner Don Mansell to fill a panel member position on the hearing panels of the Disciplinary Board.

COMMISSIONER ERMERT MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED TO FILL THE THREE VACANT DISCIPLINARY PANEL MEMBER POSITIONS AND THE FOLLOWING WERE ELECTED AS DISCIPLINARY PANEL MEMBERS: COMMISSIONER LABELLA ALVIS, COMMISSIONER DAVID MARTIN, AND COMMISSIONER JIM REBARCHAK.

23. APPOINTMENT OF MEMBERS TO THE CLIENT SECURITY FUND COMMITTEE

President Dowd informed the commission that the terms of Jim Ward and Gilda Williams are expiring on the Client Security Fund Committee. She reported to the commission that each has expressed an interest to continue serving.

COMMISSIONER SKINNER MOVED TO CLOSE NOMINATIONS FOR MEMBERS OF THE CLIENT SECURITY FUND COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

COMMISSIONER GAINES MOVED TO APPROVE JIM WARD AND GILDA WILLIAMS AS MEMBERS OF THE CLIENT SECURITY FUND COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

24. APPOINTMENT OF MEMBERS TO ALABAMA LAW FOUNDATION BOARD OF TRUSTEES

President Dowd informed the commission that she had solicited nominations for three vacancies on the Alabama Law Foundation Board of Trustees. The Alabama Law Foundation Board of Trustees nominated Judge Abdul Kallon, Flynn Mazingo and Tom Oliver. President Dowd informed the commission that she had also received the nomination of Commissioner Leslie Barineau.

COMMISSIONER SMYTH MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

AFTER DISCUSSION OF EACH NOMINEE, THE COMMISSION VOTED TO FILL THE THREE VACANT ALABAMA LAW FOUNDATION BOARD OF TRUSTEES POSITIONS AND THE FOLLOWING WERE ELECTED AS MEMBERS OF THE ALABAMA LAW FOUNDATION BOARD OF TRUSTEES: COMMISSIONER LESLIE BARINEAU, COMMISSIONER FLYNN MOZINGO, AND TOM OLIVER.

25. CONSOLIDATED FUNDRAISING TASK FORCE UPDATE

Commissioner George Parker and Christy Crow informed the commission that the Consolidated Fundraising Task Force was still studying issues related to implementing a consolidated fundraising policy for the Alabama State Bar and that the task force was not ready to make any recommendation to or request action from the commission.

26. NOMINATING COMMITTEE REPORT

Commissioner Debrosse, chair of the 2018-2019 nominating committee, reported that the nominating committee had concluded its work for the upcoming bar year and that nominations had been circulated. Commissioner Debrosse asked if there were any questions of the commission and there were none.

27. ADJOURN TO A DATE CERTAIN

President Dowd stated that the hour was late and there was still more business to come before the commission. She asked for the pleasure of the commission.

COMMISSIONER METHVIN MOVED THAT WHEN THE BOARD CONCLUDES FOR THE DAY, IT ADJOURN TO A DATE CERTAIN, SPECIFICALLY TO SATURDAY MORNING IMMEDIATELY FOLLOWING THE GRAND CONVOCATION AND ANNUAL BUSINESS MEETING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

28. ADJOURNMENT

President Dowd asked for a motion to adjourn. A motion to adjourn was duly made and seconded. At 5:48 p.m., the meeting was adjourned to a date certain.

Augusta S. Dowd
President, 2017-2018

ATTEST:

Phillip W. McCallum, Secretary
Alabama State Bar