

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, May 1, 2015

1. CALL TO ORDER

President Rich Raleigh 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. President Raleigh led the board in the Pledge of Allegiance and Commissioner Shattuck gave the invocation.

2. ROLL CALL

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

Jerry L. Thornton	Christy Crow	Jana Russell Garner
Charles G. Reynolds, Jr.	Terri O. Tompkins	Hays Webb
William H. Broome	Emily Baggett	Les R. Barineau
S. Greg Burge	Barry A. Ragsdale	Robert G. Methvin, Jr.
Augusta S. Dowd	Teresa G. Minor	Allison O. Skinner
Brannon Buck	Kenneth Moore	Ralph Holt
Thad Yancey	Walter Honeycutt	Clay Lanham
Juan Ortega	James Rebarchak	James R. Beard
Les Pittman	J. Flynn Mozingo	Cole Portis
Jeffery C. Duffey	Tom Perry, Jr.	William Randall May
Anne Malatia Glass	Robert L. Bowers, Jr.	Eric Coale
Tazewell T. Shepard, III	John A. Brinkley, Jr.	John Earl Paluzzi
Daryl Burt	F. Patrick Loftin	Sam Irby
Erskine R. Funderburg, Jr.	Lee F. Knowles	Scott L. McPherson
Diandra S. Debrosse	Cooper Shattuck	Meredith A. Peters
Rebecca G. DePalma	Kira Fonteneau	Jeanne Dowdle Rasco
Monet S. Gaines		

The following commissioners were absent:

Halron W. Turner	Rocky Watson	Derrick A. Mills
Henry A. Callaway, III	George R. Parker	James David Martin
Donald Rhea	Julia C. Kimbrough	Cliff Mendheim
Rebekah K. McKinney	Jerry Wayne Baker, Jr.	Allan Chason
Robert L. Rumsey	H. Thomas Heflin, Jr.	Jason P. Knight
Sharon Hindman Hester	W. Thomas Chapman, II	Christy Williams Graham
Roger W. Pierce	Stephen M. Kennemer	John M. Plunk
Gregory M. Varner	Alicia F. Bennett	Ashley Swink Fincher

*22nd Judicial Circuit vacant due to resignation of Tom Albritton on becoming Executive Director of the Alabama Ethics Commission.

Also in attendance was President-elect Lee Copeland. Staff members present included Tony McLain, Eric Anderson, Margaret Murphy, Ed Patterson, Linda Lund, Jeremy McIntire, Robert Thornhill, Kelley Lee, Christina Butler, Angela Parks, Laura Calloway, Mark Moody and Tripp Vickers. Tracy Daniel, executive director of the Alabama Law Foundation and legislative counsel, Suzi Edwards were also in attendance.

3. INTRODUCTION OF GUESTS

President Raleigh welcomed Kimberly Perkins a member of the Birmingham Bar and chair of its Bench & Bar Committee.

4. APPROVAL OF THE MINUTES OF MARCH 13, 2015 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETING

President Raleigh stated that the minutes of the March 13, 2015 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 SHATTUCK MOVED TO APPROVE THE MINUTES OF THE MARCH 13, 2015 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. RECOGNITION OF RETIRING COMMISSIONERS

President Raleigh recognized the following commissioners who are retiring:

Jerry L. Thornton, 2nd Judicial Circuit
 W. N. (Rocky) Watson, 9th Judicial Circuit
 S. Greg Burge, 10th Judicial Circuit, Place 2
 Derrick A. Mills, 10th Judicial Circuit, Place 9
 Walter Honeycutt, 13th Judicial Circuit, Place 2
 Julia C. Kimbrough, 18th Judicial Circuit, Place 2
 Thomas B. Albritton, 22nd Judicial Circuit
 John Earl Paluzzi, 24th Judicial Circuit
 Jerry Wayne Baker, 27th Judicial Circuit
 Robert L. Rumsey, 29th Judicial Circuit
 Stephen M. Kennemer, 38th Judicial Circuit
 John M. Plunk, 39th Judicial Circuit

Following comments by several of the retiring commissioners, President Raleigh and the rest of the commissioners gave them a round of applause in appreciation for their service to the Alabama State Bar.

6. PRESIDENT'S REPORT

President Raleigh named the Nominations Committee which included Commissioners Irby, Rhea and Shepard. He also named the Elections Committee which included Commissioners Gaines, Mozingo and Parker. The president then informed the board that Merinda Hall had been hired as the new finance director. He stated that she would begin her duties with the Alabama State Bar on May 18th. The president noted that Ms. Hall worked for many years in the financial department of the Civil Air Patrol Office in

Montgomery, at Maxwell Air Force Base. He then reminded commissioners that the annual meeting would be at the Grand Hotel in Point Clear on July 15-18. He stated that Commissioner Chason and his wife, Nancy, had invited the commissioners for dinner on the evening of July 15. President Raleigh also reported on his visits to several local bars, activities for Law Day and his visits to the legislature since the last commission meeting.

President Raleigh called on Commissioner Rasco for a report on “Pay It Forward” campaign. Commissioner Rasco reported to the commission on the campaign by volunteer lawyer programs (VLP) across the state to recruit more program participants. She requested that the commissioners ask lawyers in their respective circuits to “Pay It Forward” by becoming a part of the VLP effort in Alabama.

President Raleigh concluded his remarks by praising Kelly Pate, Law Day chair, for the excellent job she and her committee had done in planning and executing a successful Law Day celebration.

7. SECRETARY’S REPORT

The secretary reported on the February 2015 bar exam statistics and informed the commissioners that the full report was posted on the bar’s website. He next explained that the Securities Commission nominees approved at the last board meeting were not needed at this time because the Governor's Office had altered the term for the position in question. He stated that this position would have to be filled in 2016 and that the three individuals nominated could be brought back before the commission next year to be reconsidered. The secretary then informed the commission that the 2014 Department Measurements had been provided to them for their review. He encouraged the commissioners to contact him if there were any questions concerning the report. He concluded his report by going over the financial statement for the second quarter of the fiscal year. Following his review of the financial statement, he asked if there were any questions and there were none.

8. PRACTICE MANAGEMENT UPDATE

Laura Calloway reported that the recent survey sent to Alabama attorneys concerning economic and law office management had been closed with more than 900 attorneys responding to the survey.

9. INSURANCE COMMITTEE REPORT

Kate Musso, Insurance Committee chair, gave a report to the commission on a product that the Insurance Committee had reviewed and was recommending as a potential member benefit. The product that Ms. Musso described was a long term disability product underwritten by Lloyds of London that required no medical underwriting and would be offered to members up to age 65. She stated that the product was 30-50 percent off the regular premiums and that the difference in this long term disability product was that it provided a lump sum payment based on the face value amount of the policy. She stated that the product would be offered only once and that the company would like to market it to the bar members with four consecutive emails over a four week period.

The president asked if there was any discussion. Ensuing discussion centered on the fact that the bar would be sending out four blast emails to market the product and the product's availability after its initial offer. Another question concerned whether or not the product contained a pre-existing condition exclusion. Ms. Musso responded that it did not and that if a policy holder was currently working full time there was no pre-existing condition exclusion. Ms. Musso also responded to questions about the nature of the product and stated that the product was appealing for someone near retirement who has the money in hand to purchase it. She stated that the product would not be suitable for the youngest members of the profession. The question was asked if Lloyds of London would allow this plan to become an endorsed product without sending out four emails and instead marketing with conventional mailings. Ms. Musso responded that she wasn't sure if that requirement would kill the deal but that she would discuss it with the broker for Lloyds of London. Concerning the premiums, she said the current premium price would continue for five years and be reviewed every five years.

Following Ms. Musso's report, President Raleigh stated that this would be an action item at the July meeting.

10. GOVERNMENT CONTRACT SECTION

President Raleigh explained the rationale behind the section and noted that the information on the section had been included with the board materials. He stated that he would like to see this as an action item so that the section could get underway sooner rather than later.

COMMISSIONER DOWD MOVED TO SUSPEND THE RULES. THE MOTION WAS SECONDED AND THE MOTION WAS APPROVED BY THE NECESSARY TWO -THIRDS VOTE.

FOLLOWING THE MOTION TO SUSPEND THE RULES, COMMISSIONER LANHAM MOVED TO APPROVE THE CREATION OF THE GOVERNMENT CONTRACTS SECTION PENDING THE APPROVAL OF BYLAWS. THE MOTION WAS SECONDED AND APPROVED.

11. JUDICIAL REALLOCATION

Legislative Counsel, Suzi Edwards explained the judicial reallocation legislation. She noted that a judicial reallocation commission would be comprised of the Chief Justice, circuit judges, district judges and bar members to study changes and needs in each circuit in order to balance workload. She remarked that this would include determining when a judge would be re-assigned to a different circuit. She further explained that re-assignment would only occur when a vacancy occurred but that every county would continue to have a circuit and a district judge. Ms. Edwards stated that reallocation is a very hot topic and that the bar was being requested by the legislature to take a position on this legislation.

Following Ms. Edwards' remarks, a discussion ensued about where judges would come from and go to as a part of the reallocation process. Following discussion on this item, the president requested a vote on the motion to support the proposed judicial reallocation legislation.

COMMISSIONER IRBY MOVED TO SUSPEND THE RULES IN ORDER TO VOTE ON THE MATTER. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER IRBY THEN MOVED FOR THE ALABAMA STATE BAR TO SUPPORT JUDICIAL REALLOCATION LEGISLATION CURRENTLY PENDING BEFORE THE LEGISLATURE.

Further discussion ensued regarding who would select the commission. It was noted that the Board of Bar Commissioners would appoint bar members and the presidents of the circuit and district court judges would select judges to serve on the commission.

THE QUESTION WAS CALLED AND PRESIDENT RALEIGH ASKED FOR A VOTE ON THE MOTION TO SUPPORT THE LEGISLATION REGARDING JUDICIAL REALLOCATION. THE MOTION CARRIED.

12. **RULE III APPLICATIONS**

President Raleigh informed the commission that Allen Freeman Campbell (TX); Jonathan Hartwell Kasper (GA); Kristin Anne Roberts (MO) and Justin Wade Sweat (MS) had applied for admission pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. He stated that each of the individuals meets the requirements of Rule III as well as character and fitness considerations.

COMMISSIONER BROOME MOVED THE ADMISSION OF ALLEN FREEMAN CAMPBELL, JONATHAN HARTWELL KASPER, KRISTIN ANNE ROBERTS AND JUSTIN WADE SWEAT PURSUANT TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS APPROVED BY VOICE VOTE.

13. **APPROVAL OF YOUNG LAWYERS' SECTION DUES**

President Raleigh explained that historically the Young Lawyers' Section had not collected annual dues from young lawyers who were automatically members of the section by virtue of their age (up to 36 years of age or two years after admission). He mentioned that the section plans to charge \$20.00 per member which they will use to help fund and expand several worthwhile projects that the section carries out each year. He stated that the state bar will continue to provide the section's stipend as is currently authorized by the commission (\$30,000) because it was unlikely that every young lawyer would choose to pay the dues. He noted that the dues will be included along with the dues of other sections on the consolidated fee invoice.

COMMISSIONER PORTIS MOVED TO AUTHORIZE THE YOUNG LAWYERS SECTION TO COLLECT DUES IN THE AMOUNT OF \$20.00 PER MEMBER BEGINNING SEPTEMBER 1, 2015. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

14. **CHANGING OF OPERATIONAL YEAR FOR SECTIONS FROM A CALENDAR YEAR TO FISCAL YEAR**

President Raleigh stated that with the advent of the consolidated fee invoice, all section dues are collected simultaneously with bar fees in conjunction with the state bar fiscal year. He stated that this blanket amendment would allow the sections to operate on a fiscal year basis along with the state bar.

COMMISSIONER CROW MOVED TO SWITCH THE STATE BAR SECTIONS' OPERATIONAL YEAR TO A FISCAL YEAR CONSISTENT WITH THAT OF THE STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. **RATIFICATION OF EXECUTIVE COUNCIL ACTION TO FILL VACANCY ON THE DISCIPLINARY COMMISSION**

President Raleigh noted that because several critical disciplinary matters had to be addressed prior to the scheduled May commission meeting, the Executive Council appointed Commissioner Brannon Buck to fill the vacancy on the Disciplinary Commission that was created by the resignation of Commissioner Henry Callaway as a result of his becoming a federal bankruptcy judge.

COMMISSIONER GAINES MOVED TO RATIFY THE ACTION OF THE EXECUTIVE COUNCIL APPOINTING BRANNON BUCK TO FILL THE VACANCY CREATED BY THE RESIGNATION OF COMMISSIONER HENRY CALLAWAY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. **ELECTION OF NEW COMMISSIONER FOR THE 22ND JUDICIAL CIRCUIT**

The president reported that Commissioner Albritton had resigned as commissioner upon his appointment as executive director of the Ethics Commission. He stated that the Houston County Bar Association had recommended Manish Patel to fill the unexpired term of Mr. Albritton.

COMMISSIONER DOWD MOVED TO APPOINT MANISH PATEL TO FILL THE EXISTING VACANCY AND THE REMAINING TERM THROUGH 2017 CREATED BY THE RESIGNATION OF COMMISSIONER ALBRITTON. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. **FILL UNEXPIRED TERM OF DELEGATE WADE BAXLEY IN THE ABA HOUSE OF DELEGATES**

President Raleigh turned the podium over to Vice President Cooper Shattuck to conduct the meeting. Vice President Shattuck explained that upon the death of former president Wade Baxley, a vacancy was created among the Alabama State Bar delegates to the ABA House of Delegates. He noted that former president Baxley's term in the ABA House of Delegates concludes in August 2016. Vice President Shattuck stated that it was necessary to fill the vacancy as soon as possible so that former president Baxley's replacement would be qualified to attend the ABA House of Delegates meeting in August.

PRESIDENT-ELECT LEE COPELAND WAS RECOGNIZED BY VICE PRESIDENT SHATTUCK. HE STATED THAT IT WOULD BE APPROPRIATE FOR PRESIDENT RICH RALEIGH TO FILL THIS VACANCY. HE THEN NOMINATED PRESIDENT RALEIGH AND MOVED THAT NOMINATIONS BE CLOSED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

Following this vote, President Raleigh returned to the podium to conduct the remainder of the meeting.

18. APPROVAL OF MAKING UNAUTHORIZED PRACTICE OF LAW A FELONY INSTEAD OF A MISDEMEANOR

Mr. McLain explained proposed legislation that would make UPL a felony rather than a misdemeanor. He stated that this would be more in keeping with the seriousness of the activity.

COMMISSIONER DOWD MOVED TO APPROVE LEGISLATION THAT WOULD ALLOW THE UNAUTHORIZED PRACTICE OF LAW TO BE PROSECUTED AS A FELONY INSTEAD OF A MISDEMEANOR. THE MOTION WAS APPROVED BY VOICE VOTE.

19. APPROVAL OF THE AWARD OF MERIT

President Raleigh stated that David Hymer, the former chairman of the Board of Bar Examiners, had been recommended to receive the Award of Merit for his outstanding leadership and many years of service to the Board of Bar Examiners. He stated that Mr. Leon Garrett, who faithfully served as lay volunteer on the disciplinary hearing panels since their creation and Mobile attorney Mike Ballard, who has served on the Client Security Fund Committee for more than 20 years, had also been recommended for the Award of Merit.

COMMISSIONER CROW MOVED TO APPROVE THE AWARD OF MERIT FOR DAVID HYMER, LEON GARRETT AND MIKE BALLARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. APPROVAL OF NOMINATION FOR THE COMMISSIONERS' AWARD

President Raleigh stated that Pat Harris, the Secretary of the Alabama State Senate, had been recommended to receive the Commissioners' Award for his many years of service to the Alabama State Legislature and for his many contributions to the administration of justice.

COMMISSIONER SHATTUCK MOVED TO APPROVE THE NOMINATION OF PAT HARRIS FOR THE COMMISSIONERS' AWARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. APPROVAL OF THE NOMINATION FOR JUDICIAL AWARD OF MERIT

The President explained that nominations for this award were reviewed by the Judicial Conference Committee and that it had recommended The Honorable Langford Floyd of Baldwin County to receive the Judicial Award of Merit for 2015.

COMMISSIONER IRBY MOVED TO APPROVE THE HONORABLE LANGFORD FLOYD AS THE RECIPIENT OF THE JUDICIAL AWARD OF MERIT FOR 2015. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. APPROVAL OF THE NOMINATION FOR THE MAUD MCLURE KELLY AWARD

President Raleigh informed the commission that the Women's Law Section had recommended The Honorable Caryl Privett, retired circuit judge from Jefferson County, to receive the Maud McLure Kelly Award for 2015.

COMMISSIONER CROW MOVED TO APPROVE THE RECOMMENDATION BY THE WOMEN'S LAW SECTION OF THE HONORABLE CARYL PRIVETT AS THE RECIPIENT OF THE MAUD MCLURE KELLY AWARD FOR 2015. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

23. APPROVAL OF NOMINATIONS FOR THE WILLIAM D. "BILL" SCRUGGS AWARD

President Raleigh reported that applications for the Bill Scruggs Award had been received and reviewed by the awards committee and that the committee had recommended Billy Bedsole, Richard Gill and Jim Ward as recipients.

COMMISSIONER DOWD MOVED TO APPROVE BILLY BEDSOLE, RICHARD GILL AND JIM WARD FOR THE WILLIAM D. "BILL" SCRUGGS AWARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

24. ELECTION OF AT-LARGE COMMISSIONERS

President Raleigh excused the current at-large commission members. Following their leaving the room, he reported that the Executive Committee recommended five nominees including Hope Tai Cannon, Rebecca DePalma, Jeanne Dowdle Rasco, Freddi Rubio and Diandra S. Debrosse Zimmerman. He then opened the floor for additional nominations which he explained must come from the list of those who filed at-large applications for 2015.

Nominated from the floor were Sarah Clark Bowers and Julia Smeds Roth.

COMMISSIONER ORTEGA MOVED TO CLOSE THE FLOOR FOR NOMINATIONS. THAT MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Raleigh then opened the floor for remarks about each of the at-large nominees. Following those remarks, President Raleigh instructed the commission members to vote for three of the candidates by a show of hands.

READING FROM THE LIST OF THE NOMINEES, PRESIDENT RALEIGH REQUESTED A SHOW OF HANDS FOR EACH NOMINEE. THE VOTES WERE COUNTED AND REBECCA DEPALMA, JEANNE DOWDLE RASCO AND DIANDRA DEBROSSE ZIMMERMAN WERE RE-ELECTED.

25. ADJOURNMENT

President Raleigh 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.

Richard J.R. Raleigh, Jr., President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar