

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Montgomery, Alabama

Friday, December 8, 2006

1. CALL TO ORDER

President Boots Gale 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 in Montgomery. Commissioner Bedsole gave the invocation.

2. ROLL CALL

The Secretary called the roll of the Commission and the following Commissioners were present:

Ronnie E. Keahey	Michael E. Jones	J. Garrison Thompson
William H. Broome	Nicholas B. Roth	W. N. "Rocky" Watson
S. Greg Burge	Phillip W. McCallum	Greg Hawley
Maibeth J. Porter	Joseph A. Fawal	Robert E. Moorer
Jim Pratt	Richard W. Whittaker	Michael D. Knight
Billy C. Bedsole	Cecilia J. Collins	Charles R. Stephens, Sr.
Les Hayes, III	James H. Anderson	Thomas J. Methvin
Sim Penton	Lee H. Copeland	F. Michael Haney
K. Scott Stapp	John E. Medaris	Everette A. Price, Jr.
L. Thomas Ryan, Jr.	Kenneth E. White, III	John C. Gullahorn
Tut Wynne	John M. Kennemer	Robert H. Brogden
Roger Bedford, Jr.	David T. Hyde, Jr.	Timothy D. Littrell
Gerald R. Paulk	Walter E. McGowan	Deborah Byrd Walker
Merceria Ludgood	Alicia F. Bennett	Pamela H. Bucy
Dawn Wiggins Hare	Kelly T. Lee	

The following Commissioners were absent:

Louis C. Rutland	Oliver Kitchens	Cooper Shattuck
Alyce M. Spruell	Anthony A. Joseph	Jack Neal
William A. "Pete" Short	Albert J. Trousdale	William M. Cunningham
Mary Margaret Bailey	Donald R. Jones, Jr.	Robert L. Bowers, Jr.
Joseph A. Morris	Thomas B. Albritton	Harold Stephens
Richard J.R. Raleigh, Jr.	Ronald H. Strawbridge, Jr.	William H. Atkinson
Allan Chason	Robert L. Rumsey	Elizabeth Parsons
Roy W. Williams, Jr.	Robert T. Meadows, III	Jere C. Trent
Wayman Sherrer	Claude E. Hundley, III	Kyra Sparks
David F. Law		

Also in attendance was President-elect Sam Crosby and Immediate Past President Bobby Segall. Staff members present included Tony McLain, Ed Patterson, Robby Lusk, Sam Partridge, Jeremy McIntire, Linda Lund, Laura Calloway, Anita Hamlett, Jeanne Marie Leslie and Brad Carr. Tracy Daniel, Executive Director of the Alabama Law Foundation was also in attendance.

3. INTRODUCTION OF GUESTS

Jerry Baker, President of the Marshall County Bar Association and George Moore, President of the Huntsville Madison County Bar Association were introduced.

4. APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR OCTOBER 27, 2006.

President Gale stated that the minutes of the Board of Commissioners meeting for October 27, 2006 had been disseminated to the Board. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER BROOME MOVED TO APPROVE THE MINUTES OF THE BOARD OF BAR COMMISSIONERS FOR OCTOBER 27, 2006. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

5. PUBLIC REPRIMANDS

5.1. Angela Leigh Daniel, Madison County, ASB 04-166(A), 167(A), 168(A), 169(A) and 173(A)

Ms. Daniel received a public reprimand without general publication for violation of Rule 7.3(b)(1)(ii) of the *Alabama Rules of Professional Conduct* [ARPC].

5.2. Larry Charles Moorer, Mobile, ASB 05-209(A)

Mr. Moorer received a public reprimand without general publication for violation of Rules 1.15(b) and 8.4(g) of ARPC.

5.3. Thomas Verner Smith, Jackson, TN, Rule 25(a); PET 06-24

Mr. Smith was disciplined pursuant to Rule 25 Rules of Disciplinary Enforcement on a petition of reciprocal discipline. He received a public reprimand with general publication under Rule 8(e)(2) of ARPC.

5.4. Michael Lynn Murphy, Bibb County, ASB 05-129(A)

Mr. Murphy received a public reprimand with general publication under Rules 1.3, 1.4(a), 1.4(b), 8.1(b) and 8.4(g) of ARPC.

6. **PRESIDENT'S REPORT**

President Gale discussed his efforts to move forward on the issue of judicial selection. He mentioned the materials prepared by the Communications Department regarding merit selection which will help Commissioners answer questions about the process.

7. **SECRETARY'S REPORT**

The Secretary reported that the Mobile Bar Association had forwarded memorial resolutions for Irvin J. Langford, Norton W. Booker, Jr., Peter J. Palughi, Sr. and Joseph M. Powers to be placed in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER BEDSOLE OFFERED A MOTION TO ACCEPT THE MEMORIAL RESOLUTIONS FROM THE MOBILE BAR ASSOCIATION FOR IRVIN J. LANGFORD, NORTON W. BOOKER, JR., PETER J. PALUGHI, SR. AND JOSEPH M. POWERS TO BE PLACED IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The Secretary then informed the Commission that the mileage reimbursement rate would be increased to 48.5 cents per mile effective January 1, 2007. The Secretary concluded his report by highlighting that the bar's Web site, *alabar.org* had hosted almost 292,000 sessions in the last three months for an average of 3,200 sessions per day. He stated that the average length of each session was five minutes and 39 seconds. Total hits received by the Web site during the three month period totaled more than four million.

8. **COMMUNICATIONS UPDATE**

Communications Director, Brad Carr reported that during the first three quarters the Alabama State Bar had received 26,000 radio and TV ads in its partnership with the Alabama Broadcasters Association. This represented more than \$970,000 in air-time. He explained that the contract with the broadcasters association was up for renewal and its renewal would be an action item at the next meeting. He stated that Scotty Colson could not be present at today's meeting but the committee recommended that the partnership between the Alabama State Bar and the Alabama Broadcasters be continued. Mr. Carr next explained the merit selection information that was previously distributed to each Commissioner.

9. **PROGRAM UPDATE**

Ed Patterson, Director of Programs reported on the judicial scholarship campaign, the mentoring program chaired by Commissioner Bucy and the work of the selection committee for the Leadership Forum.

10. **OFFICE OF GENERAL COUNSEL REPORT**

Tony McLain, General Counsel gave a brief report to the Commission.

11. JUDICIAL SCHOLARSHIP FUNDRAISING CAMPAIGN

President Gale recognized Tom Warburton who gave a report for the Judicial Liaison Committee on the scholarship fundraising campaign and explained how the campaign would be conducted. He said the campaign would commence in January.

12. SECURITIES COMMISSION NOMINATIONS

President Gale informed the Commission that the bar has two appointments to the State Securities Commission. He stated that the bar provides the Governor with three names for each appointment from which the Governor selects one. He encouraged the Commissioners to forward names of nominees to the Secretary. The President noted that the bar's current nominees are Harold Kushner and Tyrone Means. He concluded by stating that this would be an action item at the February meeting.

13. RESCINDING TERM LIMITS FOR JUDICIAL INQUIRY COMMISSION AND COURT OF THE JUDICIARY APPOINTMENTS

President Gale recognized Commissioner Collins for remarks concerning the lifting of the term limit for appointees of the bar to the Judicial Inquiry Commission and the Court of the Judiciary. She outlined reasons for rescinding the two term limit and noted that no other authority that appoints members to these bodies has a self imposed term limit. President Gale stated that rescinding the term limit for these appointments will be an action item at the next board meeting.

14. LEGISLATIVE COUNSEL CONTRACT

The Secretary recommended that the contract between the Alabama State Bar and Tom McGregor for his services as legislative counsel be renewed and that the annual payment be increased to \$22,500. The Secretary reported that this would be the first increase in more than five years and only the second increase in more than 15 years.

COMMISSIONER WATSON MOVED RENEWING THE CONTRACT BETWEEN THE ALABAMA STATE BAR AND TOM MCGREGOR AS LEGISLATIVE COUNSEL AND INCREASING THE ANNUAL PAYMENT TO \$22,500. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. MAUD MCLURE KELLY AWARD

The President reported that the Women's Law Section had nominated Camille Wright Cook to receive the 2007 Maud McLure Kelly Award.

COMMISSIONER (CHARLES) STEPHENS MOVED THE RATIFICATION OF THE NOMINATION OF CAMILLE WRIGHT COOK BY THE WOMEN'S LAW SECTION TO RECEIVE THE MAUD MCLURE KELLY AWARD FOR 2007. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. NEW BAR EXAMINER

President Gale stated that Courtney Pothoff of Eufaula had been recommended for a four year term as bar examiner to fill a vacancy on the board.

COMMISSIONER METHVIN MOVED THE APPOINTMENT OF COURTNEY POTHOFF OF EUFAULA TO A FOUR YEAR TERM AS BAR EXAMINER COMMENCING WITH THE FEBRUARY 2007 EXAMINATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. ALABAMA LAWYER HALL OF FAME SELECTION COMMITTEE MEMBERS

The Secretary stated that the Commission was being asked to reappoint the following individuals to the Selection Committee for a second term: Drew Redden; Sam Rumore; Judge Helen Shores Lee and Fred B. Simpson. He stated that the other members of the Selection Committee had been designated to serve again on the committee including Sam Crosby who was re-nominated by the Chief Justice; Richet Pearson who was re-nominated by the Chief Judge of the Federal District Court for the Northern District; Reggie Hamner who was re-nominated by the Chief Judge of the Federal District Court for the Middle District; and Jerry McDowell who was re-nominated by the Chief Judge of the Federal District Court for the Southern District.

COMMISSIONER KNIGHT MOVED THE RE-APPOINTMENT OF DREW REDDEN, SAM RUMORE, JUDGE HELEN SHORES LEE AND FRED B. SIMPSON FOR THREE YEAR TERMS AND THE RATIFICATION OF THE SELECTION OF SAM CROSBY, RICHET PEARSON, REGGIE HAMNER AND JERRY MCDOWELL FOR THE ALABAMA LAWYER HALL OF FAME SELECTION COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. UNIFORM SECTION BY-LAWS

Ed Patterson presented new uniform by-laws for the following practice sections for adoption by the Commission: Administrative Law, Appellate Practice, Business Torts and Antitrust, Communications Law, Criminal Justice, Disabilities Law, Elder Law, Environmental Law, Health Law, International Law, Intellectual Property Law, Litigation, Oil, Gas and Mineral Law, Real Property, Probate and Trust Law, Workers' Compensation and Young Lawyers.

COMMISSIONER WHITE MOVED THE ADOPTION OF UNIFORM BY-LAWS FOR ADMINISTRATIVE LAW, APPELLATE PRACTICE, BUSINESS TORTS AND ANTITRUST, COMMUNICATIONS LAW, CRIMINAL JUSTICE, DISABILITIES LAW, ELDER LAW, ENVIRONMENTAL LAW, HEALTH LAW, INTERNATIONAL LAW, INTELLECTUAL PROPERTY LAW, LITIGATION, OIL, GAS AND MINERAL LAW, REAL PROPERTY, PROBATE AND TRUST LAW, WORKERS' COMPENSATION AND YOUNG LAWYERS BE ADOPTED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the new uniform section by-laws are included with these minutes as Appendix A].

19. LEADERSHIP FORUM CLASS III

Mr. Patterson stated that Keith Jackson and Tripp Haston, co-chairs for the Selection Committee were unable to be present for today's meeting because of practice commitments. Mr. Patterson gave a detailed explanation of the selection process noting that there were 71 applications submitted for consideration to the Selection Committee. The class as recommended by the Selection Committee along with four alternates were as follows:

Shawn Tavel Alves	
Reed Robertson Bates	
David Lee Brown, Jr.	
Joel Edward Brown	
Christina Diane Crow	
Laura Shows Gibson	
Leatha Kay Gilbert	
Nicholas Christian Glenos	
Carol Paige Goldman	
Wilson Franklin Green	
Gregory Scott Griggers	
Frederick George Helmsing, Jr.	
Elizabeth Anne Sikes Hornsby	
Edward Andrew Hosp	
Robert Brent Irby	
William Lovard Lee, IV	
William Richard Lunsford	
Emily Coody Marks	
Marshall Clay Martin	
Timothy Benson McCool	
Juan Carlos Ortega	
George Robert Parker	
Kimberly Till Powell	
Sandra Beth Reiss	
Braxton Paul Sherling	
Ronald Howard Strawbridge, Jr.	
Paige Huddleston Sykes	
Melton Chad Tindol	
William Bernhart Wahlheim, Jr.	
Lane Hines Woodke	
Bentley Hines Patrick	Alternate
Derek Firth Meek	Alternate
Tamula Renee Yelling	Alternate
Christopher Allan Mixon	Alternate

Mr. Patterson concluded by informing the Commission that the orientation session for the new leadership class would be held at the Grand National Lodge in Opelika in January.

PRESIDENT GALE ASKED IF THERE WAS ANY DISCUSSION CONCERNING THE LEADERSHIP FORUM SELECTION COMMITTEE'S REPORT. THERE BEING NO DISCUSSION, COMMISSIONER MOORER MOVED THE ADOPTION OF THE LEADERSHIP FORUM SELECTION COMMITTEE'S REPORT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. RULE III ADMISSION – ADMISSION WITHOUT EXAMINATION

The Secretary reported that Kimberly Linville had filed an application pursuant to Rule III for Admission Without Examination. He noted that she was a member of the Tennessee Bar and was presently clerking with the Ashe & Wright firm in Tusculumbia. He stated that Ms. Linville had complied with all application and character and fitness requirements and was therefore eligible for approval under Rule III.

COMMISSIONER KENNEMER MOVED THE APPROVAL OF KIMBERLY LINEVILLE FOR ADMISSION WITHOUT EXAMINATION PURSUANT TO RULE III OF THE ALABAMA STATE BAR RULES GOVERNING ADMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The Secretary stated that Ms. Linville's name would be transmitted to the Alabama Supreme Court for the Court to issue her a license.

21. LEGAL SERVICES ALABAMA BOARD OF DIRECTOR APPOINTMENTS

President Gale stated that the Commission was being asked to consider the re-appointments of Mr. Bill Broome, Anniston; Mr. Norman Bradley, Huntsville; and Ms. Rhonda Brownstein, Montgomery to the LSA Board of Directors.

COMMISSIONER COLLINS MOVED THE RE-APPOINTMENT OF MR. BILL BROOME, MR. NORMAN BRADLEY AND MS. RHONDA BROWNSTEIN TO THE LEGAL SERVICES ALABAMA BOARD OF DIRECTORS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. ADJOURNMENT

President Gale 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.

Fournier J. Gale, III President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar

