

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, December 5, 2008

1. CALL TO ORDER

President Mark White convened this meeting of the Alabama State Bar Board of Commissioners at 10:00 a.m. in the board room at the Alabama State Bar building in Montgomery, Alabama. President-elect Methvin gave the invocation.

2. ROLL CALL

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

Ronnie E. Keahey	Christy Crow	J. Garrison Thompson
Randall S. Haynes	Cooper Shattuck	Alyce M. Spruell
John M. Gruenewald	Phil D. Mitchell	W. N. (Rocky) Watson
Anthony A. Joseph	Jack Neal	Phillip W. McCallum
Joseph A. Fawal	Jim Pratt	William A. (Pete) Short
Albert J. Trousdale	Richard W. Whittaker	Les Hayes, III
Cole Portis	Lee H. Copeland	K. Scott Stapp
Brian D. Mann	John L. Jernigan	Harold Stephens
L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.	R. Wyatt Howell
John C. Gullahorn	Allan Chason	Tut Wynne
Elizabeth Parsons	John M. Kennemer	J. Milton Coxwell, Jr.
Christopher E. Malcom	Robert T. Meadows, III	Jerry C. Trent
Alexander M. Smith	Walter E. McGowan	Deborah Byrd Walker
Merceria Ludgood	LaBarron Boone	Kelly T. Lee

The following Commissioners were absent:

Michael E. Jones	S. Greg Burge	Greg Hawley
Maibeth J. Porter	Robert E. Moorner	Henry A. Callaway
William M. Cunningham	Billy C. Bedsole	Juan Ortega
Mary Margaret Bailey	James R. Beard	James H. Anderson
Donald R. Jones, Jr.	Sim Penton	F. Michael Haney
Ramona Morrison	Joseph A. Morris	John M. Peek
Ronald H. Strawbridge, Jr.	Kenneth E. White, III	Jason P. Knight
Buddy Lee	Eddie Beason	Gerald R. Paulk
David F. Law	Claude E. Hundley, III	Alicia F. Bennett
Pamela H. Bucy	Kesa Johnston	Robert Rumsey

President-elect Tom Methvin and Immediate Past President Sam Crosby were present. Staff members present included Ed Patterson, Brad Carr, Linda Lund, Sam Partridge, Laura Calloway, Jeanne Marie Leslie and Angela Parks. Also in attendance was Tracy Daniel, Executive Director, Alabama Law Foundation.

3. INTRODUCTION OF GUESTS

The following guests were introduced: Jimbo Terrell, president of the Young Lawyers' Section; Lee Benton, president of the Birmingham Bar Association; Brian Strength, president of the Macon County Bar Association and Greg Price, president of the Marshall County Bar Association.

4. APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR OCTOBER 31, 2008.

President White stated that the minutes of the Board of Commissioners meeting for October 31, 2008 had been disseminated to the board. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER GRUENEWALD MOVED TO APPROVE THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR OCTOBER 31, 2008. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

5. PUBLIC REPRIMANDS

5.1. John Edward Cunningham, Etowah County, **ASB 06-68 (A)**

Mr. Cunningham received a public reprimand with general publication for violations of Rules 1.3, 1.4(a) and 8.1(b) of the *Alabama Rules of Professional Conduct [ARPC]*.

5.2. Thomas F. Worthy, Russell County, **ASB 07-71 (A)**

Mr. Worthy received a public reprimand without general publication for violating Rule 1.8(c) of *ARPC*.

5.3 John Charles Wilson, Mobile County, **ASB 07-94 (A)**

Mr. Wilson received a public reprimand without general publication for violation of Rule 1.4(b) of *ARPC*.

5.4 Vader Al Pennington, Mobile County, **ASB 08-64 (A)**

Mr. Pennington received a public reprimand without general publication for violating Rules 1.4, 1.5 and 8.1 of *ARPC*.

6. PRESIDENT'S REPORT

President White discussed the resolution of the IOLTA situation and recognized the numerous parties who were active in persuading the FDIC to include full coverage for attorney trust accounts. The President informed the Commission that in view of the FDIC's action, General Counsel Tony McLain would be sending the Alabama Supreme Court a letter asking for a withdrawal of the previous request for a rule change to 6.1 of the *Alabama Rules of Professional Conduct* involving mandatory IOLTA accounts.

President White next discussed the resolution passed by the Commission concerning additional circuit judges for Madison County and the grateful letter received from Presiding Judge William Bell thanking the Commission for its support for securing an additional circuit judge for Madison County. President White noted that Judge Scott Vowell, presiding judge for Jefferson County, expressed his appreciation for the bar's resolution thanking the Jefferson County bench for helping the Madison County bench with its inordinate case load. President White then informed the Commission that a letter would be going to major law firms requesting the firms to consider providing scholarships to assist minority lawyers, solo practitioners and young lawyers in attending this year's annual meeting. Finally, President White discussed his letter to the Attorney General concerning an investigation of ads run by third parties outside the state in the race for Supreme Court justice.

7. SECRETARY'S REPORT

The Secretary informed the Commission that the comptroller had notified him that the mileage reimbursement would decrease to 55 cents per mile effective January 1, 2009.

8. COMMUNICATIONS UPDATE

Communications Director Brad Carr reported on the mortgage foreclosure assistance project. He informed the Commission that 4,600 page views on the bar's Web site had been generated since the project's kick-off in October. He further noted that ten percent of the bar membership had signed the Professionalism Pledge which is on the Web site, and permits those taking the pledge to printout a certificate for having taken the pledge. Mr. Carr then told the commission that the partnership with the Alabama Broadcasters Association through October had resulted in \$978,000 of radio and TV air time for the bar's \$65,000 contribution. He said that ads airing in several parts of the state concerning advance healthcare directives had resulted in the bar sending out 600 copies of the life plan publication since October.

9. PROGRAM UPDATE

Assistant Executive Director Ed Patterson noted that a written report had been disseminated concerning committee activity indicating that committees and task forces of the bar are at work and doing a good job. Mr. Patterson also took the opportunity to recognize Sam David Knight, chair of the Leadership Forum, Matt Minner, chairman of the Finance Subcommittee and Kimberly Powell for their work with the Leadership Program.

10. REPORT ON MORTGAGE FORECLOSURE PROGRAM

President-elect Methvin reported on the program stating that ads were now running in North Alabama, South Alabama and Central Alabama publicizing the program. He stated there had been many calls and requests for information concerning the program and that the rollout of the program in Jefferson County would take place after the first of the year because of the volume of calls already generated through radio and TV commercials that are now airing.

11. LEGISLATIVE TASK FORCE

President White recognized Commissioner Pratt, co-chair of the Legislative Task Force, who reported to the Commission. Commissioner Pratt discussed the importance of the bar being a resource for the legislature and explained the advisory panel of neutrals who had agreed to serve in that capacity as a resource for the state legislature. The panel includes former Governor Albert Brewer, former Governor John Patterson, former Congressman Jack Edwards, former Congressman Ronnie Flippo and former legislator Butch Ellis. Commissioner Pratt noted that each panel member was experienced and that as neutrals they would not be taking a position on issues, but would only be available to mediate issues. He reported that the panel would likely expand at some point and he asked the commissioners to give him names of potential candidates for future augmentation of the panel.

President White discussed how the advisory panel of neutrals would be announced to members of the legislature. He asked the commissioners to call their senator and house member to follow up with them on this resource once the announcement of the advisory panel has been made. He encouraged the commissioners to let their state representatives know who they are and their role in how the bar can be a resource to them.

12. RULE III ADMISSIONS

President White stated that applications from Anderia Bailey (Georgia) and Michael Buchanan (Tennessee) had been received for admission under Rule III of the *Alabama State Bar Rules Governing Admission*. He noted their applications had been reviewed and they met all criteria for admission including character and fitness.

COMMISSIONER RALEIGH MOVED THE ADMISSION OF ANDERIA BAILEY AND MICHAEL BUCHANAN FOR ADMISSION UNDER RULE III OF THE *ALABAMA STATE BAR RULES GOVERNING ADMISSION*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

13. LEGISLATIVE COUNSEL CONTRACT

This item was carried over to the next meeting.

14. APPOINTMENT OF MEMBERS TO THE SPECIALIZATION BOARD

Angela Parks, Director of Regulatory Programs, explained the recommended appointments and efforts to revitalize the board. The following bar members were recommended for appointment to the Board of Specialization: Richard P. Carmody, Robert P. Reynolds, Lawrence B. Voit, Harold I. Apolinsky – term expiring December 31, 2009. Carol J. Wallace, Max Cassady, Matt Minner, Stephen A. Rowe – term expiring December 31, 2010. Marilyn H. Macy, John T. Kirk, Francis H. “Brother” Hare, Jr. and Mary Lynn Campisi – term expiring December 31, 2011.

COMMISSIONER RALEIGH MOVED THE APPOINTMENT TO THE ALABAMA STATE BAR BOARD OF SPECIALIZATION: RICHARD P. CARMODY, ROBERT P. REYNOLDS, LAWRENCE B. VOIT, HAROLD I. APOLINSKY – TERM EXPIRING DECEMBER 31, 2009. CAROL J. WALLACE, MAX CASSADY, MATT MINNER, STEPHEN A. ROWE – TERM EXPIRING DECEMBER 31, 2010. MARILYN H. MACY, JOHN T. KIRK, FRANCIS H. “BROTHER” HARE, JR. AND MARY LYNN CAMPISI – TERM EXPIRING DECEMBER 31, 2011. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. FUNDING FOR LEADERSHIP FORUM FOR 2009

Matt Minner was recognized by President White to discuss the Leadership Forum program, its growth and the need to increase funding for 2009. Mr. Minner noted that tuition does not cover all of the costs and that the budget for 2009 for the program was \$42,000. He stated that tuition was raised this year to \$500 (from \$300) and corporate sponsors as well as alumni fundraising have been used to supplement the budget. He stated that the \$20,000 from the state bar was needed to operate the program for 2009.

COMMISSIONER STEPHENS MOVED TO AUTHORIZE THE EXPENDITURE OF UP TO \$20,000 FOR THE 2009 LEADERSHIP FORUM PROGRAM. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. FUNDING FOR THE ALABAMA STATE BAR/ALABAMA BROADCASTERS ASSOCIATION PROGRAM

President White stated that continuation of the program for 2009 was recommended. He reminded the commission that the bar’s contribution of \$65,000 to the Alabama Broadcasters Association would guarantee a four to one match in airtime over radio and TV stations across Alabama.

COMMISSIONER GRUENEWALD MOVED TO APPROVE A CONTRIBUTION OF \$65,000 IN 2009 TO THE ALABAMA BROADCASTERS ASSOCIATION FOR CONTINUATION OF THE PARTNERSHIP WITH THE ALABAMA STATE BAR AND FOR A GUARANTEED FOUR TO ONE MATCH IN AIR TIME OVER ALABAMA RADIO AND TELEVISION STATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. APPROVAL OF NOMINEES FOR THE ALABAMA BOARD OF COURT REPORTING

President White stated the Commission must submit three names each from which the Governor and Lt. Governor will appoint one person to the Alabama Board of Court Reporting. He stated the names for recommendation to the Governor are Benjamin Albritton (Montgomery), T. Kent Garrett (Montgomery) and Marcia Pratt (Birmingham). He stated the names for recommendation to the Lt. Governor are Joseph A. Fawal (Birmingham – current board member), William M. “Bill” Dawson (Birmingham) and Dennis Steverson (Tuscaloosa).

COMMISSIONER SPRUELL MOVED TO APPROVE RECOMMENDING BENJAMIN ALBRITTON, T. KENT GARRETT AND MARCIA PRATT TO THE GOVERNOR AND JOSEPH A. FAWAL, WILLIAM M. “BILL” DAWSON AND DENNIS STEVERSON TO THE LT. GOVERNOR TO CONSIDER AS NOMINEES FOR APPOINTMENT TO THE ALABAMA BOARD OF COURT REPORTING. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. 2009 LEADERSHIP FORUM CLASS

President White recognized Sam David Knight, chair of the selection subcommittee to report on their recommendation for the 2009 Leadership Forum class. Mr. Knight stated that 75 applications had been received for 30 spots. He explained the process the subcommittee used to come up with a final list of 30 individuals and four alternates. The names of those recommended for acceptance into the 2009 class were as follows:

Joel	Chandler	Bailey, II
Maricia	Danielle	Bennekin-Woodham
James	Eric	Brisendine
Jimmy	Spurlock	Calton, Jr.
Paul	Anthony	Clark
Lisa	Darnley	Cooper
John	Gibbs	Dana
Geraldine	Rose	Daniels
Brandon	Kent	Falls
Patrick	Conor	Finnegan
Michael	Aaron	Fritz, Sr.
Richard	Mark	Gaal
Christopher	Dean	Glover
Othni	James	Lathram
Lauryn	Akens	Lauderdale
Erin	Elizabeth	May
Lara	Lynn	McCauley
Douglas	Scott	Mitchell
Christopher	Allan	Mixon
Emily	Kay	Niezer
Bentley	Hines	Patrick

Valerie	Hose	Plante
Robert	Emmett	Poundstone, IV
Emily	Hawk	Raley
Erica	Lynn	Sheffield
Audrey	L. Oswalt	Strawbridge
Brian	Paul	Strength
James	Robert	Turnipseed
Robert	Hays	Webb
Chad	Edward	Woodruff

Selected Alternates:

William	Wayne	Nichols
Jennifer	Ruby	McCain
Jennifer	Carin	Pendergraft
Brian	Alexander	Wahl

COMMISSIONER HAYNES MOVED THE APPROVAL OF THE NOMINEES AND ALTERNATES AS RECOMMENDED BY THE SELECTION COMMITTEE FOR THE 2009 LEADERSHIP FORUM CLASS. THE MOTION WAS SECONDED.

President White asked if there was any discussion. Commissioner Raleigh, who served on the selection subcommittee, noted the difficulty as Mr. Knight had explained, in making the selection because of the quality of all of the applicants. He also asked the commissioners to help recruit more people for future classes and to help increase the diversity of the future classes. There were other comments by commissioners. Mr. Minner also reported that several local bar associations would be helping local candidates financially with the cost of the program. The discussion concluded with a question of whether or not consideration had been given to expanding the size of the class so that more individuals could take part in each of the leadership classes.

THE QUESTION WAS CALLED AND THE MOTION WAS APPROVED BY VOICE VOTE.

President White thanked Sam David Knight, Matt Minner and Commissioner Raleigh and the others who were instrumental in helping plan the 2009 Leadership Forum and select the individuals for the 2009 class.

19. ADJOURNMENT

President White 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. Mark White, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar

