

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, January 9, 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 Callaway gave the invocation.

2. ROLL CALL

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

Halron W. Turner	Jana Russell Garner	Charles G. Reynolds, Jr.
Terri O. Tompkins	Hays Webb	William H. Broome
Rocky Watson	Leslie R. Barineau	S. Greg Burge
Barry A. Ragsdale	Augusta S. Dowd	Allison O. Skinner
Brannon Buck	Kenneth Moore	Ralph E. Holt
Thad Yancey, Jr.	Henry A. Callaway, III	Clay A. Lanham
James Rebarchak	James R. Beaird	George R. Parker
Les Pittman	J. Flynn Mozingo	Cole Portis
Jeffery C. Duffey	James David Martin	Donald Rhea
Tom Perry, Jr.	William Randall May	Robert L. Bowers
Cliff Mendheim	Thomas B. Albritton	Tazewell T. Shepard III
John A. Brinkley, Jr.	John Earl Paluzzi	Daryl Burt
Robert L. Rumsey	Erskine R. Funderburg, Jr.	H. Thomas Heflin, Jr.
Lee F. Knowles	Sharon Hindman Hester	Cooper Shattuck
John M. Plunk	Gregory M. Varner	Monet M. Gaines
Rebecca G. DePalma	Kira Fonteneau	

The following commissioners were absent:

Jerry L. Thornton	Christy Crow	Emily L. Baggett
Robert G. Methvin, Jr.	Teresa G. Minor	Derrick A. Mills
Walter H. Honeycutt	Juan Ortega	Julia C. Kimbrough
Anne Malatia Glass	Eric Coale	Rebekah K. McKinney
F. Patrick Loftin	Jerry Wayne Baker, Jr.	Allan Chason
Sam Irby	Jason P. Knight	William T. Chapman, II
Christy Williams Graham	Roger W. Pierce	Stephen M. Kennamer
Scott L. McPherson	Diandra S. Debrosse	Meredith S. Peters
Alicia F. Bennett	Jeanne Dowdle Rasco	Ashley Swink Fincher

In addition, President-elect Lee Copeland and Immediate Past President Anthony Joseph were in attendance. Staff members present included Tony McLain, Eric Anderson, Margaret Murphy, Ed Patterson, Justin Aday, Linda Lund, Michelle Owens, Angela Parks, Jeremy McIntire, Robert Thornhill, Kelley Lee, Christina Butler, Diane Locke, Laura Calloway and Mark Moody. Also in attendance were Tracy Daniel with the Alabama Law Foundation and Judy Keegan with the Alabama Center for Dispute Resolution. Brandon Hughey, president of the Young Lawyers' Section was present as well.

3. INTRODUCTION OF GUESTS

Commissioner Barineau introduced Mr. Steve Casey, the new president of the Birmingham Bar Association.

4. APPROVAL OF THE MINUTES OF OCTOBER 31, 2014 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETING

President Raleigh stated that the minutes of the October 31, 2014 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 PLUNK MOVED TO APPROVE THE MINUTES OF THE OCTOBER 31, 2014 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. REPRIMANDS

5.a. Cynthia Hooks Umpstead, Birmingham, ASB 2013-1765

Ms. Umpstead received a public reprimand with general publication for violation of Rules 1.15(a) and 8.4(g), of the *Alabama Rules of Professional Conduct (ARPC)*.

5.b. David Michael Harrison, Jasper, ASB 2013-715

Mr. Harrison received a public reprimand with general publication for violation of Rules 1.1, 1.3, 1.4(b), 1.8(e), (j), 5.3, 8.4 (a), (g) of the *ARPC*.

5.c. Robert Douglas Cornelius, Birmingham, ASB 2014-193

Mr. Cornelius received a public reprimand without general publication for violation of Rule 8.4(c) of the *ARPC*.

6. PRESENTATION OF THE ALBRITTON AWARD

Former state bar president, Tom Methvin was presented with the Albritton Award for his contributions to pro bono services in the state. The presentation was made by Cassandra Adams, chair of the Pro Bono Celebration Committee.

7. **PRESIDENT'S REPORT**

President Raleigh acknowledged that the bar year had passed by very fast and that only six months remained in his term of office. He informed the board that the officers would be hosting a luncheon for the members of the Supreme Court in early February. He also stated that plans were being made for a reception on the evening of March 12th, the night before the March 13th board meeting for commissioners and their spouses or dates. He stated that more information would be forthcoming on the plans for that evening's activities. President Raleigh then recognized President-elect Lee Copeland who spoke about the district court mediation program, noting that a letter would be sent to all commissioners explaining how the model program in Baldwin County is operating and how other circuits can choose to participate in helping to alleviate the tremendous case backlog in their respective district courts.

8. **SECRETARY'S REPORT**

The secretary reported on Commissioner Chapman who had recent hip replacement. He then reminded the commission that the director's position for the Office of Indigent Defense Services was being advertised and that the deadline for applications to fill the position would be February 6, 2015. The secretary informed the commission that the state had increased the travel mileage rate for 2015 to 57.5 cents per mile. He concluded by stating that the Mobile Bar Association had transmitted resolutions in memory of several members of that association to be included in the Alabama State Bar Book of Memorial Resolutions. The resolutions were for Vivian Johnston, Jr., Horace Moon, Jr., Hamp Uzzelle, III and Maury Friedlander.

COMMISSIONER CALLOWAY MOVED TO ACCEPT THE RESOLUTIONS FROM THE MOBILE BAR ASSOCIATION IN MEMORY OF VIVIAN JOHNSTON, JR., HORACE MOON, JR., HAMP UZZELLE, III AND MAURY FRIEDLANDER AND PLACE THEM IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

9. **2014 ASB AUDIT REPORT**

Mrs. Owens reported that the auditors had given an unqualified opinion—a clean audit – for 2014. She briefly reviewed the report and informed the commission that the auditors had outlined one deficiency in their report which was a need for the bar to implement a new accounting system (software) to approve better internal control. Following Ms. Owens remarks, President Raleigh made a few brief remarks concerning the audit report.

10. **OFFICE OF GENERAL COUNSEL REPORT**

Mr. McLain informed the commission that the Supreme Court had recently provided rules recommended by the Board of Bar Commissioners to the court several months earlier concerning the bar's disciplinary operations. He stated that the court had dated the rules effective January 8th instead of January 1st. As a result, a transition rule would be obtained from the court in order to ensure the uniform implementation of these new rules.

11. DIGITAL COMMUNICATIONS REPORT

Mr. Anderson stated that the consolidated fee statement had been very successful and, in his opinion, was very helpful to members. He explained that section memberships were up dramatically and that CSF payments were up thereby decreasing the number of certifications for delinquent payments. He noted that online payments of licenses and fees, including ACH (electronic checks), accounted for more than 45 percent of all payments made by members. He said that the staff would be working to improve the process but it could be concluded that the new consolidated fee statement was a big help to members. Mr. Anderson then stated that Kelley Lee had improved the bar's use of social media as the bar's digital content manager and played a significant role in the Alabama State Bar/Ohio State Bar wager on the National Championship Semifinal Game between the two schools.

12. EXTERNAL RELATIONS AND PROGRAMS REPORT

Mr. Patterson stated that Commissioner Irby was ill and was not able to attend the meeting. As a result, the Small Firm and Solo Practitioner Task Force report would be presented at the next meeting. Mr. Patterson also reported that section memberships had increased significantly with the consolidated invoice. He informed the commission that the Young Lawyers' Section, which has been an opt-out section for many years, was planning to become an opt-in section to benefit from the bar's supervision and assistance. He also noted that Class 11 Leadership Forum orientation would kick off in two weeks and that the Leadership Forum Alumni Section had planned several activities including several reunions.

13. ADMISSIONS REPORT

Mr. Aday gave an overview of department activities including character and fitness and application preparation for the upcoming February bar examination. He discussed the need for a software solution for the department in order for it to become a paperless office. He reported that he had visited the Georgia Law Examiners operation that uses the software that he would be recommending and stated that the implementation of such software would make the staff more efficient in analyzing the bar applications. He stated that it was hoped to be able to go live with the new software by September 2015 so that the February 2016 bar exam applications could be processed with the new software.

President Raleigh remarked that it was important to get this project approved at the next meeting so that it would be ready for the 2016 February applicants. He stated that all of the cost information would be sent to the board prior to the next meeting and that the Executive Council as well as the Finance & Audit Committee had expressed their support for the project. President Raleigh also reported that the timing of this was appropriate in that the National Conference of Bar Examiners (NCBE) was raising their prices on the exam products (multi-state, MEE and MPT) and this increase as well the software cost could be incorporated in the bar examination fee increase. President Raleigh also addressed the analysis by the NCBE regarding the bar exam results for the July 2014 exam. He explained that the analysis performed by the NCBE showed that eliminating the Alabama essay portion of the exam did not decrease passage rates. He stated that this information would be made available to the courts and the law schools as soon as the report was complete.

14. SERVICE PROGRAMS REPORT

Ms. Calloway informed the commission that ASB members could receive a discount for the ABA Tech Show because of our bar's participation as a sponsor for the program. She also noted that a special break for law firms or lawyers would be available if those lawyers worked together and registered as a group of at least 10 lawyers.

Ms. Calloway reported that the LRS Committee has recommended that the program be analyzed through a PAR review that is conducted by the American Bar Association Committee on Lawyer Referral Services. She stated that the review or consultation does not cost the bar anything other than the funds to cover the traveling expenses for the consultants who would be reviewing the LRS program. She stated that expenses would total \$2,000 or less.

COMMISSIONER CALLAWAY MOVED TO SUSPEND THE RULE IN ORDER TO CONSIDER APPROVING THE PAR REVIEW OF THE STATE BAR'S LRS PROGRAM BY THE AMERICAN BAR ASSOCIATION AND TO APPROVE THE EXPENSES FOR THE CONSULTATION. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRD VOTES.

COMMISSIONER CALLAWAY THEN MOVED TO AUTHORIZE THE PAR REVIEW OF THE STATE BAR'S LRS PROGRAM AND TO AUTHORIZE THE EXPENDITURE OF UP TO \$2,000 FOR PAR REVIEW EXPENSES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. RULE III APPLICATIONS

President Raleigh reported that seven applicants for admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar* had been received. He stated that they were from Keri Ann Richardson Bevel (TX); Kelly Marie Breckenridge (MI); Nicholas Adam Danella (TN); Kelly Michael Hayes (MI); Sumpter Milligan McGowin, II (TN); Anastacia Warner Shelton (TN); and Carol Gene Wolf (VA). He explained that each of the applications meets the elements of Rule III and have satisfied the character and fitness requirements as well.

COMMISSIONER PLUNK MOVED TO ADMIT KERI ANN RICHARDSON BEVEL, KELLY MARIE BRECKENRIDGE, NICHOLAS ADAM DANELLA, KELLY MICHAEL HAYS, SUMPTER MILLIGAN MCGOWIN II, ANASTACIA WARNER SHELTON AND CAROL GENE WOLF. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. IN-HOUSE COUNSEL AND GOVERNMENT LAWYERS SECTION BYLAWS

Commissioner Shattuck addressed the report that had been presented at the last meeting concerning the great interest in forming an in-house and government lawyers section. He stated that the bylaws had been drafted to accomplish the creation of the section and they had been circulated to the members of the commission.

COMMISSIONER SHATTUCK MOVED THE APPROVAL OF THE IN-HOUSE COUNSEL AND GOVERNMENT LAWYERS SECTION BYLAWS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. **RATIFICATION OF THE ACTION OF THE EXECUTIVE COUNCIL IN THE BARNEY CASE**

President Raleigh stated that the Executive Council had approved the filing of a motion for leave to file an *amicus* brief in the Barney case which had been previously discussed at an earlier meeting of the commission.

COMMISSIONER PLUNK MOVED TO APPROVE, AUTHORIZE AND RATIFY THE EXECUTIVE COUNCIL'S ACTION IN AUTHORIZING THE OFFICE OF GENERAL COUNSEL TO FILE A MOTION FOR LEAVE TO APPEAR AS AN *AMICUS* IN THE BARNEY CASE PENDING BEFORE THE ALABAMA SUPREME COURT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. **CLOSING REMARKS**

Prior to adjournment President Raleigh reminded the commission of the recent loss of Past President Joseph's mother and the mother of Commissioner Bob Methvin and Past President Tom Methvin. He asked the commission members to keep them in their thoughts and prayers.

19. **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