

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Azalea Salons A-B
Grand Hotel
Point Clear, Alabama

Wednesday, July 15, 2015

1. CALL TO ORDER

President Rich Raleigh convened this meeting of the Alabama State Bar Board of Commissioners at 4:15 p.m. in the Azalea Salons A-B of the Grand Hotel, Point Clear, Alabama. Commissioner Shattuck gave the invocation.

2. ROLL CALL

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

Halron W. Turner	Christy Crow	Jana Russell Garner
Charles G. Reynolds, Jr.	Terri O. Tompkins	Hays Webb
William H. Broome	Emily L. Baggett	Dana Grimes
Leslie R. Barineau	John A. Smyth, III	Barry A. Ragsdale
Robert G. Methvin, Jr.	Augusta S. Dowd	Teresa G. Minor
Allison O. Skinner	Brannon J. Buck	Erik Stephen Heninger
Ralph E. Holt	Frederick G. Helmsing, Jr.	Clay A. Lanham
Juan Ortega	James Rebarchak	George R. Parker
J. Flynn Mozingo	Cole Portis	James David Martin
Donald R. Rhea	Tom Perry, Jr.	Mark S. Boardman
Robert L. Bowers	R. Cliff Mendheim	Eric Coale
Tazewell T. Shepard, III	John A. Brinkley, Jr.	Rebekah K. McKinney
M. Clay Martin	Audrey Oswald Strawbridge	Daryl Burt
Clint L. Maze	Allan Chason	Sam Irby
H. Thomas Helfin, Jr.	Jason P. Knight	Lee F. Knowles
Scott L. McPherson	Diandra S. Debrosse	Cooper Shattuck
Rebecca G. DePalma	Kira Fonteneau	Jeanne Dowdle Rasco
Monet M. Gaines		

The following commissioners were absent:*

J. Levi Nichols	Kenneth Moore	Thad Yancey, Jr.
James R. Beard	Les Pittman	Jeffery C. Duffey
William Randall May	Anne Malatia Glass	Manish Patel
F. Patrick Loftin	Stephen D. Adcock	Erskine R. Funderburg, Jr.
Sharon Hindman Hester	William T. Chapman, II	Christy Williams Graham
Roger W. Pierce	Matthew C. Mitchell	Donald Ben Mansell
Gregory M. Varner	Meredith S. Peters	Alicia F. Bennett
Ashley Swink Fincher		

*13th Judicial Circuit, Place 1 was vacant due to the appointment of Henry Callaway to the Federal Bankruptcy Bench and his subsequent resignation from the board.

Also in attendance were President-elect Lee Copeland and Immediate Past President Anthony Joseph. Staff members present included Diane Locke, Tony McLain, Kristi Neal, Linda Lund, Jeremy McIntire, Justin Aday, Laura Calloway, Kelley Lee, Ed Patterson, Angela Parks, Mark Moody and Tripp Vickers. Also in attendance were Brandon Hughey, president of the Young Lawyers' Section, Suzi Edwards, legislative counsel, and Tracy Daniel, director of the Alabama Law Foundation.

3. **GUESTS**

President Raleigh welcomed John Pickens and Craig Babb of Alabama Appleseed.

4. **MINUTES OF THE MAY 1, 2015 BOARD OF COMMISSIONERS MEETING**

President Raleigh stated that the minutes of the May 1, 2015 board meeting had been transcribed and circulated prior to the meeting. He asked if there were corrections, additions or deletions. There were none.

COMMISSIONER PORTIS MOVED TO APPROVE THE MINUTES OF THE MAY 1, 2015 BOARD OF BAR COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND UNANIMOUSLY APPROVED BY VOICE VOTE.

5. **INTRODUCTION OF NEW COMMISSIONERS**

President Raleigh introduced the new commissioners and asked those present to stand:

Levi Nichols – 2nd Circuit

Dana Grimes – 9th Circuit

John Smyth – 10th Circuit, Place 2

Erik Heninger – 10th Circuit, Place 9

Fred Helmsing – 13th Circuit, Place 2

Mark Boardman – 18th Circuit, Place 2

Manish Patel – 22nd Circuit

Clay Martin – 23rd Circuit, Place 4

Audrey Strawbridge – 24th Circuit

Clint Maze – 27th Circuit

Steve Adcock – 29th Circuit

Matt Mitchell – 38th Circuit

Dan Mansell – 39th Circuit

The new commissioners received a round of applause from the rest of the commission.

6. PRESIDENT'S REPORT

President Raleigh expressed his appreciation for the opportunity to serve noting that with the help of the commission and other bar members, much was accomplished during his year as president. He mentioned several accomplishments including the new website, the consolidated dues invoice, new practice sections, etc. Following his remarks, the entire commission gave President Raleigh a standing ovation.

7. SECRETARY'S REPORT

The secretary informed the commissioners that memorial resolutions honoring past presidents Wade Baxley and Jim North had been prepared for their consideration. The resolutions were as follows:

WHEREAS, Wade Hampton Baxley was born on November 1, 1942 and departed this life on March 5, 2015 in Dothan, Alabama at the age of 71; and

WHEREAS, the Board of Commissioners of the Alabama State Bar desires to recognize and memorialize his outstanding record as a prominent lawyer, a public servant and a leader of the Alabama State Bar.

NOW, THEREFORE, BE IT REMEMBERED that Wade Baxley served this association nobly and well as its president in 1999-2000.

Wade was born in Dothan where he attended public schools. He enrolled in the University of Alabama receiving his degree in accounting in 1965 and his law degree in 1968. Following a clerkship for the Honorable Aubrey Cates of the Alabama Court of Appeals, Wade returned to Dothan in 1969 where he started practicing law as a third generation lawyer, establishing a successful practice representing not only private clients but public entities as well including the City of Dothan and the Dothan-Houston County Airport Authority. At the time of his death, Wade was the senior partner in the firm of Ramsey, Baxley and McDougle.

Wade loved the legal profession and his calling as a lawyer led him to serve his profession both on the state as well as the national levels. He served the Alabama State Bar in many capacities as both an officer, including president and vice president, as well as a member of the Board of Commissioners, a member of the Disciplinary Commission, a member of the MCLE Commission and as a member of the Character and Fitness Committee. Wade also served as president of the Alabama Defense Lawyers Association. Nationally, Wade served the American Bar Association as a long time delegate in its House of Delegates and as a member of its Board of Governors, bringing great credit to himself and the bar of this state for his extraordinary service.

BE IT FURTHER REMEMBERED that Wade Baxley was a dedicated lawyer who will be remembered for his integrity and professionalism. He leaves surviving him

his two sons, Hamp and Keener, grandchildren Mallory, Payne and Hampton and Mary Frances and his brother, Bill.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Alabama State Bar meeting this day assembled, that the life of Wade Hampton Baxley be recognized as one of deep dedication to the bar of this state, to his community and his family and that his death represents a great loss to each.

BE IT FURTHER RESOLVED that this resolution be recorded in the permanent minutes of this association.

DONE this the _____ day of July 2015.

WHEREAS, James Little North was born on October 10, 1936 and departed this life on September 7, 2014 in Birmingham, Alabama at the age of 77; and

WHEREAS, the Board of Commissioners of the Alabama State Bar desires to recognize and memorialize his outstanding record as a prominent lawyer, a public servant and a leader of the Alabama State Bar.

NOW, THEREFORE, BE IT REMEMBERED that Jim North served this association nobly and well as its president in 1985-1986.

Jim was born in Anniston but grew up in Talladega. He enrolled in the University of Alabama where he was involved in campus activities and was a member of the PiKA fraternity, Jasons and ODK. After his graduation from Alabama and his enlistment in the United States Army, Jim attended law school at the University of Virginia where he was an editor of the Law Review and Order of the Coif. Following law school, Jim served as law clerk to United States Supreme Court Associate Justice Hugo Black. He then joined the Bradley, Arant, Rose and White firm where he practiced from 1965 to 1973 before starting the firm of North, Haskell, Slaughter and Young and later, in 1985, starting the firm of Jim North and Associates.

Jim was a highly regarded corporate lawyer and bond counselor who served on numerous bond issues representing many clients including the State of Alabama, Jefferson County and the City of Birmingham. Besides being a skilled lawyer, Jim shared his talent and leadership abilities with numerous organizations within the profession including the Alabama State Bar, the Birmingham Bar Association, the Eleventh Circuit Historical Society, and the American Bar Association among others. Other organizations that benefited from Jim's energy, leadership and wisdom were the Kiwanis Club of Birmingham, the Public Affairs Council of Alabama, and the Presbyterian Home for Children. Jim was a well-known supporter of the Democratic Party and routinely aided candidates with election assistance and fundraising.

The professional respect that Jim enjoyed from his peers is reflected by his receipt of the Lifetime Achievement Award from the Birmingham Bar Association, by his inclusion in *Who's Who in American Law* and *Best Lawyers in America*, and by his selection as a fellow of the International Society of Barristers, a fellow of the American Bar Foundation and a fellow of the Alabama Law Foundation.

BE IT FURTHER REMEMBERED that Jim North was a selfless person who possessed great intellect and was a consummate professional. He leaves surviving him his wife of 55 years, Lettie Lane North, son, James L. North, Jr., three brothers, John, William and Robert as well as several nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Alabama State Bar meeting this day assembled, that the life of James Little North be recognized as one of deep dedication to the bar of this state, to this country and his family and that his death represents a great loss to each.

BE IT FURTHER RESOLVED that this resolution be recorded in the permanent minutes of this association.

DONE this the _____ day of July 2015.

COMMISSIONER CROW MOVED TO APPROVE THE MEMORIAL RESOLUTIONS HONORING FORMER PRESIDENTS WADE BAXLEY AND JIM NORTH. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The secretary then informed the commission that a memorial resolution honoring James J. Duffey, Jr. had been received from the Mobile Bar Association for inclusion in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER ORTEGA MOVED TO INCLUDE THE MOBILE BAR ASSOCIATION'S MEMORIAL RESOLUTION HONORING JAMES J. DUFFEY, JR. IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The secretary concluded with a review of the financial report for the third quarter. After reviewing the report, he asked if there were any questions and there were none.

8. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Tony McLain informed the commission that in litigation before the United States District Court of the Northern District of Alabama (*Nichols v. Alabama State Bar*) Judge Aker had ruled in favor of the Alabama State Bar on contentions raised by the plaintiff that were similar to the ones raised by the plaintiff in the North Carolina dental case recently decided by the United States Supreme Court. Mr. McLain was optimistic that a similar case pending in the Northern District, would be decided in the bar's favor as well.

9. DIGITAL COMMUNICATIONS REPORT

Mr. Anderson reported that changes were being made to the "My Info" page on the bar's website. He explained that the changes were intended to capture the physical address of bar members to help correct problems encountered by the bar in certain commission races where postal addresses place members in one circuit while physical addresses have them located in another. Mr. Anderson also explained that changes to the "My Info" page will provide an opt-out feature allowing members to deny public access to address

information. He concluded by reporting on improvements being made to the consolidated fee invoice form.

10. ADMISSIONS REPORT

Admissions Director Justin Aday reported that the bar exam was two weeks away and that the overall numbers for those sitting for the July bar exam were down from last year's total of 522 and would likely be less than 500 this year. He mentioned that the new online software would be available in September and would allow the application process to be entirely paperless.

11. SERVICE PROGRAMS REPORT

Service Programs Director Laura Calloway reported that the economic survey was now complete and was included with the annual meeting materials posted online. She also mentioned that the ABA was making a concerted effort to adopt a model confidentiality rule for lawyer referral service programs. Discussion ensued about a model rule and the fact that the intake clerk for the lawyer referral service program is a non-lawyer. Ms. Calloway stated that the proposed model rule would make lawyer referral information confidential. Further discussion followed about the proposed model rule and confidentiality for lawyer referral service programs.

COMMISSIONER DOWD MOVED THAT THE ALABAMA STATE BAR BE ON RECORD IN FAVOR OF THE ABA'S PROPOSED RULE REGARDING LAWYER REFERRAL SERVICE CONFIDENTIALITY AND THAT FOR AGENDA PURPOSES, CONSIDERATION OF THIS MATTER BE AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

12. PRO BONO MONTH REPORT

Commissioners Mozingo and Crow reported on pro bono month (October). Commissioner Mozingo noted that the 2015 celebration would be the seventh annual celebration in Alabama. He thanked the commission for their past support and stated that Alabama is the recognized leader and model for the pro bono celebration.

Commissioner Crow stated that she would head up the kick-off for this year's celebration which would occur in Tuskegee at the Kellogg Center on October 6th. She also informed the commission that all pro bono month celebration materials will be located on the state bar website. She asked commissioners to contact the local bars in their circuits to encourage them to participate in this year's celebration. Commissioner Mozingo informed the commission that the poverty simulations conducted in conjunction with pro bono month over the past few years have been well attended and that this year's simulations would be conducted in Montgomery and Huntsville. He also reported that special activities in Huntsville and Birmingham were in store for this year's celebration.

Commissioner Mozingo then recognized Cassandra Adams, last year's pro bono chair. He presented her with the original pro bono proclamation signed by Governor Bentley for the 2014 celebration. He concluded his remarks by reminding commission members the pro bono reception would be held Thursday afternoon and that all were invited.

13. LEGAL MILESTONE CONTRIBUTION FOR THE NINA MIGLIONICO STATUTE IN BIRMINGHAM

President Raleigh recognized the secretary who reported that he had been contacted by former bar president Sam Rumore. He said that Mr. Rumore has been very involved with a project in Birmingham to honor Nina Miglionic with a statute to be placed in Linn Park. The secretary reported that Mr. Rumore had inquired if the bar might support the project financially and the secretary stated that he replied that the most likely way to have the bar support this project was to consider it in the nature of a legal milestone where the state bar makes a contribution of up to \$1,000 that is matched locally for the placement of a legal milestone marker. The secretary noted that several hundred thousand dollars had been raised to help pay the cost of a statute with continuing efforts to raise funds to complete the project.

COMMISSIONER BRINKLEY MOVED TO AUTHORIZE THE EXPENDITURE OF \$1,000, TO BE MATCHED, FOR THE STATUTE PROJECT IN BIRMINGHAM HONORING MISS NINA MIGLIONICO. THE MOTION WAS APPROVED BY VOICE VOTE.

14. RULE III APPLICATIONS

President Raleigh stated that Benjamin Aaron Joffe (TX); Carla Terri Johnson (GA); Mark Edward Stamelos (TN) and Frederick Todd Weston (MS) had submitted applications to be admitted by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. He noted that each candidate met the requirements of Rule III including all character and fitness considerations.

COMMISSIONER CROW MOVED TO ADMIT BENJAMIN AARON JOFFE, CARLA TERRI JOHNSON, MARK EDWARD STAMELOS AND FREDERICK TODD WESTON PURSUANT TO RULE III OF THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. APPOINTMENT OF TWO COURT OF THE JUDICIARY ALTERNATES

President Raleigh explained that the bar had been notified by the clerk for the Court of the Judiciary that the terms for the current alternates designated by the Alabama State Bar had expired. He stated that the two individuals being recommended to serve as alternates on the Court of the Judiciary for the next six years were Rocky Watson of Fort Payne and Dale Marsh of Enterprise.

COMMISSIONER IRBY MOVED TO CLOSE NOMINATIONS AND TO APPROVE ROCKY WATSON AND DALE MARSH AS ALTERNATES TO THE COURT OF THE JUDICIARY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. APPROVAL OF THE ALABAMA LAWYERS HALL OF FAME 2015 CLASS

President Raleigh stated that the Hall of Fame Selection Committee met in May and recommends the following five individuals for induction: Reuben Chapman (deceased

for more than 100 years); Abe Berkowitz; Dean Leigh Harrison; Frank Spain and Holland M. Smith (Lt. Gen., USMC).

COMMISSIONER CROW MOVED TO ACCEPT THE RECOMMENDATIONS OF THE SELECTION COMMITTEE FOR THE ALABAMA LAWYERS HALL OF FAME 2015 CLASS TO INCLUDE REUBEN CHAPMAN, ABE BERKOWITZ, DEAN LEIGH HARRISON, FRANK SPAIN AND HOLLAND M. SMITH. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. ELECTION TO FILL THE VACANCY FOR THE 13TH JUDICIAL CIRCUIT, PLACE ONE REPLACING COMMISSIONER HENRY CALLAWAY

President Raleigh noted that with the resignation of Commissioner Henry Callaway upon his appointment as U.S. Bankruptcy Judge, the Mobile Bar Association recommended Charles Zackary Moore to fill Commissioner Callaway's unexpired term.

COMMISSIONER ORTEGA MOVED TO APPOINT CHARLES ZACKARY MOORE TO FILL THE VACANCY FOR THE 13TH JUDICIAL CIRCUIT, PLACE ONE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. PROPOSED AMENDMENT TO THE FAMILY LAW SECTION BYLAWS

President Raleigh stated that the Family Law Section had circulated the proposed amendments to the Family Law Section Bylaws which would allow officers and members at-large to serve two year terms rather than a one year term.

COMMISSIONER CROW MOVED TO ADOPT THE PROPOSED AMENDMENTS TO THE FAMILY LAW SECTION BYLAWS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the proposed amendments to the Family Law Section Bylaws is included with these minutes and attached as Appendix A.]

19. LLOYDS OF LONDON DISABILITY INSURANCE PROGRAM

President Raleigh noted that this proposed member benefit program was discussed at the last meeting and that it had been recommended by the Insurance Programs Committee. He stated that the plan brokers had originally requested that the bar do four consecutive blast emails over a four week period to announce the new benefit. He informed the commission that after further discussion, it was suggested that the bar do two emails over a four week period, interspersed with regular mailings at the expense of the broker.

COMMISSIONER PORTIS MOVED TO APPROVE THE LLOYDS OF LONDON DISABILITY INSURANCE PROGRAM AS PREVIOUSLY DISCUSSED AND UNDER THE PROVISIONS AS OUTLINED ABOVE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. REAPPOINTMENTS TO THE BOARD OF BAR EXAMINERS

President Raleigh stated that the terms of James Bradford, Robert Lockwood and Lee Pope as members of the Board of Bar Examiners had ended with the conclusion of the February 2015 bar examination. He stated that each had expressed interest in continuing to serve if the commission was so inclined.

COMMISSIONER SHATTUCK MOVED TO REAPPOINT JAMES BRADFORD, ROBERT LOCKWOOD AND LEE POPE TO THE BOARD OF BAR EXAMINERS WITH THEIR NEW TERMS RELATING BACK TO THE CONCLUSION OF THE FEBRUARY 2015 BAR EXAMINATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. REAPPOINTMENTS TO THE BOARD OF BAR EXAMINERS

President Raleigh informed the commission that the terms of Barry Ragsdale and Lynn Reynolds would expire at the conclusion of the July 2015 bar examination. He stated that both had expressed their interest to continue serving if the commission was so inclined.

COMMISSIONER DOWD MOVED TO REAPPOINT BARRY RAGSDALE AND LYNN REYNOLDS TO THE BOARD OF BAR EXAMINERS WITH THEIR NEW TERM COMMENCING AT THE CONCLUSION OF THE JULY 2015 BAR EXAMINATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE. COMMISSIONER RAGSDALE ABSTAINED.

22. ADJOURN TO A DATE CERTAIN

President Raleigh stated that the hour was getting late and there was still more business to come before the commission. He asked the pleasure of the commission.

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

23. NOMINATING COMMITTEE REPORT

President Raleigh recognized Commissioner Irby for the Nominating Committee Report. Following Commissioner Irby's report, President Raleigh stated that if anyone wanted to make additional nominations that he or she should contact the Nominating Committee prior to the commission reconvening on Saturday morning.

24. ADJOURNMENT

President Raleigh asked for a motion to adjourn.

THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.