

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, March 10, 2017

1. CALL TO ORDER

President Cole Portis 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. Commissioner John Brinkley gave the invocation.

2. ROLL CALL

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

Halron W. Turner	Courtney R. Pothoff	Jana Russell Garner
Larry Morris	Hays Webb	William H. Broome
Leslie R. Barineau	John A. Smyth III	Barry A. Ragsdale
Robert G. Methvin, Jr.	LaBella S. Alvis	Michael D. Ermert
Allison O. Skinner	Brannon J. Buck	Erik Stephen Heninger
Ralph E. Holt	Thad Yancey, Jr.	C. Zack Moore
Bryan E. Comer	James Rebarchak	Charles C. Tatum, Jr.
George R. Parker	J. Flynn Mozingo	Jeffery C. Duffey
J. David Martin	Donald R. Rhea	William Randall May
Mark S. Boardman	R. Cliff Mendheim	Manish H. Patel
Tazewell T. Shepard III	John A. Brinkley	Audrey O. Strawbridge
J. Daryl Burt	J. Lynn Perry	Sam Irby
Steven D. Adcock	Erskine R. Funderburg, Jr.	Lee F. Knowles
Sharon Hindman Hester	Andrew D. Stanley	Donald Ben Mansell
Gregory M. Varner	Scott L. McPherson	Diandra S. Debrosse
R. Cooper Shattuck	Meredith S. Peters	Rebecca G. DePalma
Karen L. Laneaux	Kira Fonteneau	Monet M. Gaines
Taylor T. Perry		

The following commissioners were absent:

J. Levi Nichols	Terri O. Tompkins	Emily L. Baggett
Dana Grimes	Kenneth Moore	Frederick G. Helmsing, Jr.
William R. Lancaster	Les Pittman	C. Gibson Vance
Ann Malatia Glass	Robert L. Bowers, Jr.	Eric Coale
Rebekah K. McKinney	M. Clay Martin	F. Patrick Loftin
Clinton L. Maze	H. Thomas Heflin, Jr.	Roy W. Williams, Jr.
W. Thomas Chapman II	Christy Williams Graham	Matthew C. Mitchell
Jeanne Dowdle Rasco	Ashley Swink Fincher	

Also in attendance were President-elect Augusta Dowd, Immediate Past President Lee Copeland and board counselor Richard J.R. Raleigh, Jr. Staff members in attendance were: Diane Locke, Ed Patterson, Robert Thornhill, Linda Lund, Merinda Hall, Margaret Murphy, Angela Parks, Laura Calloway, Eric Anderson, Kelley Lee, Mark Moody, Tripp Vickers, Justin Aday and Jeremy McIntire. Suzi Huffaker, legislative counsel, Tracy Daniel, director of Alabama Law Foundation and Parker Miller, president of the Young Lawyers Section were present as well.

3. GUESTS

Robert Pittman, law clerk for the Alabama Court of Criminal Appeals attended the meeting.

4. APPROVAL OF THE MINUTES OF THE JANUARY 20, 2017 BOARD MEETING

President Portis stated that the minutes of the January 20, 2017 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 GAINES MOVED TO APPROVE THE MINUTES OF THE JANUARY 20, 2017 BOARD OF COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. REPRIMANDS

5. a. Oliver Frederick Wood, Hamilton, ASB 2014-352

Mr. Wood received a public reprimand without general publication, was placed on probation and required to pay for all taxed costs, including administrative fees, for violating Rules 1.8(a), 8.4(a) and (g) of the *Alabama Rules of Professional Conduct* (ARPC).

5. b. Jeffery Leonard Goodgame, Birmingham, ASB 2015-1497

Mr. Goodgame received a public reprimand without general publication for violating Rules 8.4(c) and (g) of ARPC.

5. c. John Patrick Graves, Irondale, ASB 2015-1494

Mr. Graves received a public reprimand without general publication and was taxed for all costs and the administrative fee for violating Rule 3.1 (a) of ARPC.

5. d. William Jeffery Moore, Enterprise, ASB 2016-416

Mr. Moore received a public reprimand with general publication for violating Rule 8.4 (g) of ARPC.

6. PRESIDENT'S REPORT

President Portis thanked Commissioner George Parker's firm (Bradley Arant) for hosting the previous evening's commissioners' reception. He stated that the second course of Lawyer University would be held on April 27 in Birmingham at the bar center and that the attendance would be limited to the first 100. The training will deal with legal technology. Next, the president discussed the annual meeting which will be held July 12-15 at The Grand Hotel in Point Clear. The theme will be "Love Your Neighbor" and will have four tracks including the Business of Law, Future of the Legal Profession, Helping the Public and Mind, Body, Spirit Wellness. He also noted that the circuit, district and appellate court judges will be holding their meeting immediately prior to the state bar meeting. Because of the overlap of the two meetings, there will be joint sessions with the judges on Tuesday and Wednesday, July 11 and 12.

President Portis reported that the Alabama Legal Food Frenzy would be conducted again this year and more information would be forthcoming. He also stated that the Foster Care Task Force is planning the suitcase initiative and that more information would follow. Commissioner Allison Skinner and Royal Dumas, co-chairs of the Strategic Planning Task Force, will be presenting a new strategic plan at the annual meeting. President Portis informed the commission that his Facebook Live Chat was a success with over 3500 views and thanked Commissioner Garner and staff members Kelley Lee and Eric Anderson for arranging the live chat. The president reminded commissioners that the deadline for filing petitions for the commissioner elections was April 28 at 5:00 p.m. He concluded by asking commissioners to save the date of October 12 for a reception celebrating the kickoff for the statewide pro bono month. The celebration will be in Tuscaloosa and will be held at the Federal Court Building. The commission meeting will take place the next morning at the law school.

7. SECRETARY REPORT

The Secretary called the commission's attention to the 2016 Department Measurements that were included in their materials.

8. EXTERNAL PROGRAMS REPORT

Ed Patterson reported that on April 13 from 9:00 to 10:00 a.m. at the Heflin-Torbert Judicial Building, a workshop on crisis management for attorneys and their clients would be conducted by Bruce Hennes of Hennes Communications, Cleveland, Ohio. He next reported on the work of the Strategic Long Range Planning Task Force, the Future of the Profession Task Force as well as the Task Force on Senior Lawyers. Mr. Patterson then noted that the work of the Diversity Committee, chaired by Commissioner Gaines had made significant strides in several areas and that the Task Force on Foster Care had met recently and is moving forward on the "suitcase" initiative. Mr. Patterson concluded with a brief review of the Leadership Forum activities.

9. DIGITAL COMMUNICATIONS REPORT

Mr. Eric Anderson discussed the soon to be available online listing of attorney discipline. He stated that only discipline administered from January 2001 to the present would be included.

10. LEGISLATIVE UPDATE

Suzi Huffaker reported that the Judicial Reallocation Bill had been signed by the Governor. She stated that there would be a three year waiting period while information was gathered on the judicial system's needs before the act's provisions are implemented. She also reported that the Judicial Override Bill would likely pass both Houses in the next week or two. She stated that Alabama Law Institute bills on several topics were in committee and that other bills including ones to increase the jurisdictional amount of district courts and to increase the pay of indigent defense lawyers were pending. Ms. Huffaker stated that the General Fund Bill was out of committee and that the courts were level funded which was a positive achievement given that so many areas of state government were receiving cuts. She also noted that several local bills to increase local court costs were pending. She asked commissioners to contact their legislators and explain that these fees do not help the judicial system but instead go to fund other areas of government, making access to the courts very expensive. She further stated that information on local court funds in all 67 counties had been gathered and was available. Ms. Huffaker reported that less than 50 percent of fees are actually used to fund the court system.

11. MINORITY PRE-LAW CONFERENCE

Commissioner Gaines talked about the new college pre-law program that will mirror the high school minority pre-law conference program sponsored for many years by the Young Lawyers' Section. She stated that she was hopeful that at least 100 students would participate this year from four year institutions and junior colleges. The conferences will be held in Birmingham and Montgomery.

12. LAWYER ADVERTISING

Assistant General Counsel Mark Moody spoke about lawyer advertising. He explained that federal case law prohibits stronger controls on lawyer advertising. He reported that under Rule 7.2(b) of the *Rules of Disciplinary Procedure*, the Office of General Counsel reviews advertising of legal services in order to inform lawyers whether or not the proposed advertising complies with the rules and if necessary how to bring the advertising into compliance. Following Mr. Moody's report several questions ensued concerning advertising regulations.

13. ALABAMA STATE BAR AWARDS

President Portis discussed the five awards for which nominations are accepted including the Commissioners' Award, the Award of Merit, the Judicial Award of Merit, the Tony McLain Professionalism Award and the Bill Scruggs Service to the Bar Award. He encouraged commissioners to provide nominations for these awards by the appropriate deadlines in order for them to be considered by the commission at its next meeting and presented at the annual meeting.

14. RULE III APPLICATIONS

The president reported that Andrew Roy Chilson (OK), Claire Debra Lim (GA), Bryant Lewis Stevenson (TN), Jackson L. Walsh (TN), Stacy Everett Pepper (MS) and Tonya Shy (GA) had submitted applications for admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. He stated that all of the candidates met the requirements of Rule III in order to be admitted by motion.

COMMISSIONER MAY MOVED TO ADMIT ANDREW ROY CHILSON, CLAIRE DEBRA LIM, BRYANT LEWIS STEVENSON, JACKSON L. WALSH, STACY EVERETT PEPPER AND TONYA SHY PURSUANT TO RULE III OF THE RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. ELECTION OF ABA HOUSE OF DELEGATES

The president stated that Commissioner Leslie Barineau and Lee Johnsey of Birmingham are currently serving in the ABA House of Delegates. He stated that they had indicated a willingness to continue as delegates. (The president pointed out that Mr. Johnsey held the young lawyer delegate position.) He asked if there were any other nominations.

COMMISSIONER DEBROSSE MOVED TO CLOSE NOMINATIONS AND TO RE-ELECT COMMISSIONER BARINEAU AND LEE JOHNSEY TO TWO YEAR TERMS IN THE ABA HOUSE OF DELEGATES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. JUDICIAL COMPENSATION COMMISSION

President Portis stated that Jeremy Taylor (Mobile), John Boles (Birmingham), Jason P. Knight (Cullman), Sandra Lewis (Montgomery), E. Tatum Turner (Chatom), William H. "Billy" Traeger, III (Demopolis), David T. Shaw (Eutaw) and Debby Smith (Birmingham) had been nominated to fill the vacancy created by the resignation of Maibeth Porter.

THE PRESIDENT ASKED IF THERE WERE ANY OTHER NOMINATIONS TO BE MADE FROM THE FLOOR, WHEREUPON COMMISSIONER MAY MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

Following a discussion of each of the candidates, the president stated that a vote would be taken by a show of hands. After the initial round of votes on the eight candidates was completed, the president announced that there would be a run-off between Jeremy Taylor and E. Tatum Turner. Following the count of the run-off votes, President Portis announced that E. Tatum Turner had been elected to fill the unexpired term on the Judicial Compensation Commission.

17. RATIFICATION OF EMPLOYMENT CONTRACT FOR DOUGLAS MCELVY AS ACTING GENERAL COUNSEL OF THE ALABAMA STATE BAR AND SERVICE CONTRACT

The president stated that former state bar president Douglas McElvy, had agreed to serve as acting general counsel until such time as a permanent general counsel could be selected. He stated that the service contract contemplates Mr. McElvy serving as acting general counsel approximately 20 hours per week for the amount of \$8,333 per month. President Portis stated that Mr. McElvy would begin March 15, 2017.

COMMISSIONER RHEA MOVED TO RATIFY THE ENGAGEMENT OF DOUGLAS MCELVY AS ACTING GENERAL COUNSEL AND HIS CONTRACT FOR SERVICES IN THE AMOUNT OF \$8,333 PER MONTH. THE MOTION WAS SECONDED.

DISCUSSION ENSUED WHEREUPON THE QUESTION WAS CALLED AND MR. MCELVY AND THE SERVICE CONTRACT WERE DULY APPROVED AND RATIFIED.

18. APPROVAL OF THE JEANNE MARIE LESLIE SERVICE AWARD

President Portis stated that the Lawyers Assistance Program had recommended as recipients of the award for 2017, David Chip Schwartz and, posthumously, Julian Massey Relfe, Jr.

COMMISSIONER MAY MOVED TO APPROVE DAVID CHIP SCHWARTZ AND, POSTHUMOUSLY, JULIAN MASSEY RELFE, JR. AS RECIPIENTS OF THE JEANNE MARIE LESLIE AWARD FOR 2017. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. APPROVAL OF THE NOMINATIONS FOR THE MAUD MCLURE KELLY AWARD AND THE 2017 SUSAN B. LIVINGSTON LEADERSHIP AWARD

President Portis recognized Commissioner Skinner who reported that the Women's Section was recommended Martha Jane Patton as the recipient of the Maud McLure Kelly Award and Maibeth Porter as recipient of the Susan B. Livingston Leadership Award.

COMMISSIONER LANEUX MOVED TO APPROVE THE RECOMMENDATIONS OF THE WOMEN'S SECTION TO AWARD THE MAUD MCLURE KELLY AWARD TO MARTHA JANE PATTON AND THE SUSAN B. LIVINGSTON AWARD TO MAIBETH PORTER. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. STANDARDIZED REQUEST FOR MEMBER BENEFITS PROPOSAL

Former commissioner Juan Ortega discussed a new process to standardize and streamline the multitude of proposals the bar receives for discounted products and services for member benefits. Mr. Ortega reported that the task force has recommended a standardized request for proposal (SRP) for vendors seeking to become approved member benefit providers.

COMMISSIONER SKINNER MOVED TO APPROVE THE STANDARDIZED REQUEST FOR PROPOSAL (SRP) AS DESCRIBED AND INCLUDED IN THE MATERIALS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A COPY OF THE STANDARDIZED REQUEST FOR PROPOSAL (SRP) FORM IS ATTACHED TO THESE MINUTES AS APPENDIX A.]

21. ADJOURNMENT

President Portis 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. Cole Portis, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar