

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, May 2, 2014

1. CALL TO ORDER

President Anthony Joseph 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 Stephens gave the invocation.

2. ROLL CALL

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

Halron W. Turner	Jerry L. Thornton	Christy Crow
Terri O. Tompkins	Hays Webb	William H. Broome
Rocky Watson	Leslie R. Barineau	S. Greg Burge
Teresa G. Minor	Joseph A. Fawal	Brannon Buck
Albert J. Trousdale	Juan Ortega	Harry V. Satterwhite
George R. Parker	J. Flynn Mozingo	Cole Portis
Lee H. Copeland	Donald Rhea	K. Scott Stapp
William Randall May	David A. McDowell	John L. Jernigan, III
John M. Peek	Harold Stephens	Rebecca McKinney
Daryl Burt	Allan Chason	Sam Irby
Elizabeth Parsons	Braxton Ashe	Rebecca Green Thomason
J. Milton Coxwell, Jr.	H. Jerome Thompson	John M. Plunk
Alexander M. Smith	Cooper Shattuck	Rebecca G. DePalma
Alicia F. Bennett	LaBarron Boone	Monet M. Gaines
Ashley Swink Fincher	John A. Brinkley, Jr.	

The following commissioners were absent:

Jana Russell Garner	Charles G. Reynolds, Jr.	Phil D. Mitchell
Barry A. Ragsdale	Robert G. Methvin, Jr.	Augusta S. Dowd
Derrick A. Mills	William A. (Pete) Short	Thad Yancey, Jr.
Henry A. Callaway, III	Walter H. Honeycutt	Clay A. Lanham
James R. Beaird	Les Pittman	Jeffery C. Duffey
Julia C. Kimbrough	Jerry Wayne Baker, Jr.	John Earl Paluzzi
F. Patrick Loftin	Robert H. Brogden	Robert L. Rumsey
Jason P. Knight	Gregory M. Varner	Roger W. Pierce
Stephen M. Kennamer	Jeanne Dowdle Rasco	Diandra S. DeBrosse
Meredith S. Peters		

*Commissioner Hamp Baxley had previously tendered his resignation from the board.

In addition, President-elect Richard J. R. Raleigh, Jr. was in attendance. Staff members present included Tony McLain, Diane Locke, Ed Patterson, Christina Butler, Robert Thornhill, Margaret Murphy, Jeremy McIntire, Mark Moody, Tripp Vickers, Kelley Lee and Angela Parks. Suzi Edwards, legislative counsel, was also in attendance.

3. INTRODUCTION OF GUESTS

Commissioner Jerome Thompson introduced Christy Graham who will be following Commissioner Thompson as the new commissioner for the 36th Judicial Circuit. She had been unopposed for the position.

4. APPROVAL OF THE MINUTES OF MARCH 14, 2014 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETING

President Joseph stated that the minutes of the March 14, 2014 Alabama State Bar Board of Commissioners meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions or deletions. Commissioner Rhea stated that he was in attendance at the last meeting but that his name had been omitted in the Roll Call of those minutes. The minutes were so corrected.

COMMISSIONER MCDOWELL MOVED TO APPROVE THE MINUTES AS CORRECTED OF THE MARCH 14, 2014 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND APPROVED UNANIMOUSLY BY VOICE VOTE.

5. PRESIDENT'S REPORT

President Joseph recognized the retiring commissioners and asked those present to stand. The retiring commissioners included the following:

Phil D. Mitchell, II	8 th Judicial Circuit
Joseph A. Fawal	10 th Judicial Circuit, Place 7
William A. (Pete) Short, Jr.	10 th Judicial Circuit, Bessemer Cut-off
Albert J. Trousdale, II	11 th Judicial Circuit
K. Scott Stapp	17 th Judicial Circuit
David A. McDowell	19 th Judicial Circuit
M. Hampton Baxley	20 th Judicial Circuit
John L. Jernigan, III	21 st Judicial Circuit
John M. Peek	22 nd Judicial Circuit
H. Harold Stephens	23 rd Judicial Circuit, Place 1
Elizabeth S. Parsons	30 th Judicial Circuit
Braxton W. Ashe	31 st Judicial Circuit
Robert H. Brogden	33 rd Judicial Circuit
J. Milton Coxwell, Jr.	35 th Judicial Circuit
H. Jerome Thompson	36 th Judicial Circuit
Alexander M. Smith	41 st Judicial Circuit
LaBarron N. Boone	At-Large, Place 6

President Joseph thanked each of the members and the rest of the commissioners gave the retiring commissioners a round of applause.

Next, President Joseph announced the members of the Election Committee. They were Commissioners Copeland, Parker and Mazingo. He then announced the names of the Nominating Committee and they were Commissioners Irby, Bennett and Watson.

Finally, President Joseph introduced the newest member of the staff, Michelle Owens who will serve as Director of Finance for the Alabama State Bar.

6. SECRETARY'S REPORT

The secretary stated that the bar exam results for the February bar examination had been released and that there were a total of 230 examinees with 128 being first time takers. He noted that the certification rate was 49.1 percent with 14 of the examinees being MPRE deficient. The secretary then reminded commissioners to register online for the annual meeting at the Hilton Sandestin, July 9-12. Finally, he reviewed the financial statement for the second quarter. Following his review, he asked if there were any questions and there were none.

7. OFFICE OF GENERAL COUNSEL REPORT

Mr. McLain stated that the Alabama State Bar Client Security Fund had received an award from the ABA National Forum on Client Protection. He stated this award would be presented at the National Client Protection Forum meeting.

8. DIGITAL COMMUNICATIONS REPORT

Mr. Anderson updated the commission on the online curriculum project and noted that the videotaping had been completed. He said that the interface with Scholar Lab was being developed in time for the July bar examination. Mr. Anderson then reported on the progress of the development of the consolidated fee invoice and efforts to secure the lowest possible cost for credit card processing in order to help make online fee payments more popular.

Ms. Kelley Lee, Digital Communications Content Manager, gave an overview of the bar's progress with enhancing its social media presence. She encouraged commissioners to participate by letting her know of any prospective events or information suitable for including on the bar's social media outlets.

9. TITLE INSURANCE ACT 2012-397

Mr. McLain discussed the Title Insurance Act that was passed in 2012. He explained the issues including the fact that the act requires 24 hours of training which, on the face of the statute, includes all attorneys who are acting as title agents on behalf of a title company. Mr. McLain stated that he had been discussing the issues with counsel for the insurance department as well as other attorneys concerning this requirement and whether or not the fact that Alabama lawyers must obtain 12 MCLE credits per year, which would equal 24 over a 24 month period, would satisfy the requirements of the title agency act. He noted that the title companies are concerned about the issue and that it would be helpful to let the insurance department know the bar's official position about the act and

that the supreme court's rules provide for continuing legal education and only the supreme court has the authority to regulate the legal profession. He provided a draft response for the commission to review.

COMMISSIONER FAWAL MOVED THAT THE MATTER BE TAKEN OUT OF ORDER AND CONSIDERED AS AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTES.

FOLLOWING ADDITIONAL DISCUSSION, MR. FAWAL MOVED THAT THE GENERAL COUNSEL'S OFFICE BE INSTRUCTED TO CONTACT THE DEPARTMENT OF INSURANCE EXPRESSING THE BAR'S POSITION AS OUTLINED IN THE MEMORANDUM PROVIDED BY THE GENERAL COUNSEL'S OFFICE CONCERNING THE APPLICATION OF THE TITLE AGENCY ACT TO LICENSED ATTORNEYS WHO SERVE AS TITLE AGENTS ON BEHALF OF TITLE COMPANIES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

10. RULE III APPLICATIONS

President Joseph stated that two applications for admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar* had been received. He stated that the applications were from Rebecca Krefft (KY) and Raymond G. Russell (MS). He noted that both applications were complete and that each applicant had met all of the requirements for admission by motion.

COMMISSIONER CROW MOVED THE ADMISSION OF REBECCA KREFFT AND RAYMOND G. RUSSELL UNDER RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

11. JUDICIAL AWARD OF MERIT 2014

President Joseph reported the Judicial Conference Committee had reviewed all applications received for the Judicial Award of Merit for 2014. He said the committee had recommended that The Honorable Ed Carnes, chief judge of the 11th Circuit Court of Appeals be considered for the award this year.

COMMISSIONER FAWAL MOVED TO ACCEPT THE RECOMMENDATION OF THE JUDICIAL CONFERENCE COMMITTEE RECOMMENDING JUDGE ED CARNES AS THE RECIPIENT OF THE JUDICIAL AWARD OF MERIT FOR 2014. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

12. NOMINATION FOR THE AWARD OF MERIT FOR 2014

President Joseph stated that Dean John Carroll had been nominated to receive the Award of Merit for 2014.

COMMISSIONER SMITH MOVED TO APPROVE DEAN JOHN CARROLL AS THE RECIPIENT OF THE AWARD OF MERIT FOR 2014. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

13. **APPROVAL OF THE NOMINATION FOR THE JEANNE MARIE LESLIE SERVICE AWARD**

President Joseph stated that the Lawyers Assistance Program had recommended Kim Davidson of Birmingham to receive the first Jeanne Marie Leslie Service Award.

COMMISSIONER CROW MOVED THE APPROVAL OF KIM DAVIDSON AS THE RECIPIENT OF THE FIRST JEANNE MARIE LESLIE SERVICE AWARD FOR THE LAWYERS ASSISTANCE PROGRAM. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

14. **APPROVAL OF THE NOMINATION FOR THE MAUD MCLURE KELLY AWARD**

President Joseph stated that the Women's Section had recommended Ernestine S. Sapp to receive the Maud McLure Kelly Award for 2014.

COMMISSIONER BROOME MOVED TO APPROVE THE RECOMMENDATION OF ERNESTINE S. SAPP AS THE RECIPIENT OF THE MAUD MCLURE KELLY AWARD FOR 2014 ON BEHALF OF THE WOMEN'S SECTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. **VACANCIES ON THE LEGAL SERVICES OF ALABAMA BOARD OF DIRECTORS**

President Joseph informed the commission that two vacancies existed on the Legal Services of Alabama Board of Directors because of the recent resignations of Dale Marsh and Bobby Segall. He stated that James (Jimbo) Terrell of the McCallum, Methvin & Terrell firm in Birmingham and Alexander M. Smith of the Smith and Nesmith firm in Oneonta were being recommended to fill the two vacancies. He reported that both Mr. Terrell and Mr. Smith had agreed to serve on the LSA board if appointed.

COMMISSIONER COPELAND MOVED TO APPOINT JAMES (JIMBO) TERRELL OF BIRMINGHAM AND ALEXANDER M. SMITH OF ONEONTA TO THE TWO VACANCIES ON THE LEGAL SERVICES OF ALABAMA BOARD OF DIRECTORS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. **REAPPOINTMENT OF EXAMINERS TO THE BOARD OF BAR EXAMINERS**

President Joseph informed the commission that the terms of Margaret H. Alvis and Tara W. Lockett expired at the conclusion of the February 2014 bar examination. He also noted that the term of Courtney Potthoff would expire at the conclusion of the July 2014 bar examination. He stated that all three had expressed their willingness to continue to serve on the Board of Bar Examiners.

COMMISSIONER FAWAL MOVED TO RE-ELECT MARGARET H. ALVIS AND TARA W. LOCKETT TO FOUR YEAR TERMS COMMENCING WITH THE CONCLUSION OF THE FEBRUARY 2014 BAR EXAM AND COURTNEY POTTHOFF TO A FOUR YEAR TERM COMMENCING AT THE CONCLUSION OF THE JULY 2014 BAR EXAMINATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. SELECTION OF A NEW COMMISSIONER TO FILL THE VACANCY FOR THE 20TH JUDICIAL CIRCUIT

President Joseph reported that Commissioner Hamp Baxley had resigned as commissioner because of practice commitments and his commitments as a Dothan city commissioner. He stated that the Houston County Bar Association had recommended Cliff Mendheim to fill the year remaining on Mr. Baxley's term as commissioner.

COMMISSIONER COPELAND MOVED TO ELECT CLIFF MENDHEIM OF DOTHAN TO FILL THE EXISTING VACANCY ON THE BOARD OF BAR COMMISSIONERS FOR THE 20TH JUDICIAL CIRCUIT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. ELECTION OF AT-LARGE COMMISSIONERS

President Joseph noted that 20 applications had been received for the three at-large commissioner spots available for 2014. He reminded the commission that under the election rules the executive committee was recommending four individuals for the three positions. They included Ashley Swink Fincher, Kira Yalon Fonteneau, Lloria M. James and Meredith S. Peters. He explained that nominations would also be taken from the floor but that nominations could only be made from the list of those individual who had filed at-large applications. When the floor opened for nominations, the following additional individuals were nominated: Rodney F. Barganier; Sara (Sally) Clark Bowers; Gaile Pugh Gratton; Tina S. Moon; Charles Price, II; Clinton Richardson; Robert Simms Thompson and Leila Hirayama Watson.

COMMISSIONER FAWAL MOVED THAT NOMINATIONS BE CLOSED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Joseph explained that commissioners would be given the opportunity to make limited remarks for each of the nominees and that following the remarks, the vote would be taken to fill the three positions. He stated that each commissioner would be entitled to vote for three individuals and this would be done by a show of hands. The three candidates with the largest vote totals would be considered elected.

FOLLOWING COMMISSIONERS' REMARKS ABOUT EACH OF THE NOMINEES, PRESIDENT JOSEPH READ THE NAMES OF EACH OF THE NOMINEES IN ALPHABETICAL ORDER AND ASKED FOR A SHOW OF HANDS FOR EACH OF THE CANDIDATES. AFTER TOTALING THE VOTES, THE FOLLOWING CANDIDATES WERE ELECTED: ASHLEY SWINK FINCHER; MEREDITH S. PETERS AND KIRA FONTENEAU.

19. ADJOURNMENT

President Joseph 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.

Anthony A. Joseph, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar