

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, May 6, 2016

1. CALL TO ORDER

President Lee Copeland 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 Shattuck gave the invocation.

2. ROLL CALL

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

Halron W. Turner	J. Levi Nichols	Christy Crow
Jana Russell Garner	Terri O. Tompkins	Hays Webb
William H. Broome	Emily L. Baggett	Dana Grimes
John A. Smyth	Robert G. Methvin	Augusta S. Dowd
Michael D. Ermert	Allison O. Skinner	Eric Stephen Heninger
Kenneth Moore	Ralph E. Holt	Thad Yancey, Jr.
C. Zack Moore	Juan Ortega	George R. Parker
Les Pittman	J. Flynn Mozingo	C. Gibson Vance
James David Martin	Tom Perry, Jr.	William Randall May
Mark S. Boardman	Anne Malatia Glass	Robert L. Bowers
Manish H. Patel	Tazewell T. Shepard, III	Rebekah K. McKinney
Audrey O. Strawbridge	Daryl Burt	F. Patrick Loftin
Clint L. Maze	Allan Chason	Sam Irby
Steven D. Adcock	H. Thomas Heflin, Jr.	Lee F. Knowles
Roger W. Pierce	Matthew C. Mitchell	Scott L. McPherson
Diandra S. Debrosse	Cooper Shattuck	Meredith S. Peters
Kira Fonteneau	Jeanne Dowdle Rasco	Monet M. Gaines

The following commissioners were absent:

Charles G. Reynolds, Jr.	Leslie R. Barineau	Barry A. Ragsdale
Brannon J. Buck	Frederick G. Helming, Jr.	Clay A. Lanham
James Rebarchak	James R. Beard	Jeffery C. Duffey
Donald R. Rhea	R. Cliff Mendheim	John A. Brinkley, Jr.
M. Clay Martin	Erskine R. Funderburg, Jr.	Jason P. Knight
Sharon Hindman Hester	W. Thomas Chapman, II	Christy Williams Graham
Donald Ben Mansell	Gregory M. Varner	Rebecca G. DePalma
Alicia F. Bennett	Ashley Swink Fincher	

Also in attendance was President-elect Cole Portis. Staff members present included Tony McLain, Ed Patterson, Diane Locke, Justin Aday, Laura Calloway, Linda Lund, Merinda Hall, Angela Parks, Tripp Vickers, Jeremy McIntire, Mark Moody, Eric Anderson, Kelley Lee, Margaret Murphy and Robert Thornhill. Also in attendance were Tracy Daniel, director of the Alabama Law Foundation and Judy Keegan, director of the Alabama Center for Dispute Resolution.

3. INTRODUCTION OF GUESTS

President Copeland introduced lawyer Mark Overall of Montgomery.

4. APPROVAL OF THE MINUTES OF THE MARCH 11, 2016 BOARD OF COMMISSIONERS MEETING

President Copeland stated that the minutes of the March 11, 2016 board meeting had been transcribed and circulated prior to the meeting. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER SHEPARD MOVED TO APPROVE THE MINUTES OF THE MARCH 11, 2016 BOARD OF COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. PRESIDENT'S REPORT

The president reminded the commissioners about the annual meeting (June 22-25) at Baytowne Wharf. He stated that the registration information and group code was posted on the bar's website. He also informed the commission that the Commissioners' Dinner will be held June 22nd at Ocean Club. He advised commissioners to contact Diane Locke if they had not already registered for the dinner. President Copeland then thanked Commissioner George Parker and the law firm of Bradley Arant for allowing the bar to hold the previous evening's reception at their offices on the 9th floor of the RSA Judicial Building. Finally, President Copeland expressed condolences to Commissioner Christy Crow for the recent loss of her father and grandmother.

6. SECRETARY'S REPORT

The secretary reported that the team from the ABA Standing Committee on Professionalism had visited in April interviewing staff, complainants, respondent lawyers as well as members of the Alabama Supreme Court over the course of five days. He stated that their evaluation report would be sent to the Supreme Court in approximately four to five months. The secretary also stated that the Finance & Audit Committee had met earlier that morning with members of the Examiners of Public Accounts staff for an exit interview regarding the bar's 2011-2015 audit. The secretary stated that the audit was a good one and that the commission members would be receiving a copy of the report from the examiners in the very near future.

7. **FINANCE REPORT**

The Director of Finance, Merinda Hall gave the second quarter financial report. Following her report, Ms. Hall asked if there were any questions and there were none.

8. **ELECTIONS REPORT**

The Director of Admissions, Justin Aday, reported on the upcoming elections. He informed the commission there would be four contested races in three circuits, specifically 10th Judicial Circuit, Places 3 and 6; 13th Judicial Circuit, Place 4 and 37th Judicial Circuit. He stated that the elections will be conducted with a new, outsourced balloting system. Mr. Aday explained that the ballots would be sent early on May 16th with the deadline for voting being 5:00 p.m. on May 20th. He said an email would go to the circuits where there are contested races to notify members of the election and balloting process. Finally, Mr. Aday stated the results for the February bar examination had been released and the overall pass rate was 42 percent.

9. **LEGISLATIVE UPDATE**

President Copeland stated that the title bill, HB129 supported by the Board of Commissioners at the previous meeting had passed and was awaiting the Governor's signature. He thanked former presidents Jim Pratt, Phillip McCallum and legislative counsel, Suzi Edwards for their work in getting the legislation passed with only minor eleventh hour changes. President Copeland then recognized Commissioner Sam Irby who thanked the president and others for their diligence in getting the title legislation passed.

10. **RULE III APPLICATIONS**

President Copeland reported that Neema Amini (TX) and Jimmy Howell (GA) had submitted applications for admission by motion pursuant to Rule III of the *Rules Governing Admission of the Alabama State Bar*. He stated that the candidates met all Rule III and character and fitness requirements.

COMMISSIONER SMYTH MOVED TO ADMIT NEEMA AMINI AND JIMMY HOWELL PURSUANT TO RULE III OF THE RULES GOVERNING ADMISSION OF THE ALABAMA STATE BAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

11. **APPROVAL OF NOMINATIONS FOR AWARD OF MERIT**

President Copeland stated that Penny Davis, Mike Atchison and Kate Musso had been nominated to receive the Alabama State Bar Award of Merit for their service to the profession.

COMMISSIONER PITTMAN MOVED TO APPROVE PENNY DAVIS, MIKE ATCHISON AND KATE MUSSO AS RECIPIENTS FOR THE AWARD OF MERIT FOR 2016. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

12. APPROVAL OF BILL SCRUGGS AWARD RECIPIENT

President Copeland stated that Rocky Watson had been called away from the board room but that he had been nominated for the Bill Scruggs Award for 2016. He reported that the awards committee reviewed the nomination and whole-heartily recommended Mr. Watson to receive the award.

COMMISSIONER CROW MOVED TO APPROVE ROCKY WATSON AS THE RECIPIENT OF THE BILL SCRUGGS AWARD FOR 2016. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

13. APPROVAL OF THE TONY MCLAIN PROFESSIONALISM AWARD RECIPIENT

President Copeland stated that the award committee had reviewed the solo nomination that was submitted for this award and recommends that Dean Charles Gamble receive the Tony McLain Professionalism Award for 2016.

COMMISSIONER DOWD MOVED TO APPROVE CHARLES GAMBLE AS THE RECIPIENT OF THE TONY MCLAIN PROFESSIONALISM AWARD FOR 2016. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

14. APPROVAL OF JUDICIAL AWARD OF MERIT RECIPIENT

President Copeland stated that the Judicial Conference Committee met and reviewed the nomination materials and recommended Judge Burt Smithart to receive the Judicial Award of Merit for 2016.

COMMISSIONER GAINES MOVED TO APPROVE JUDGE BURT SMITHART AS THE RECIPIENT OF THE JUDICIAL AWARD OF MERIT FOR 2016. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. ELECTION OF NEW COMMISSIONER FOR 10TH JUDICIAL CIRCUIT, PLACE 5

President Copeland stated that the Birmingham Bar Association had recommended Ms. LaBella Alvis to fill the vacancy which will occur when Commissioner Augusta Dowd assumes the position of president-elect at this year's annual meeting.

COMMISSIONER VANCE MOVED TO CLOSE NOMINATIONS AND TO ELECT LABELLA ALVIS TO FILL THE VACANCY CREATED UPON COMMISSIONER DOWD ASSUMING THE OFFICE OF PRESIDENT-ELECT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. LICENSE FEE INCREASE

President Copeland recognized Rocky Watson, chair of the task force that studied the license fee increase. Mr. Watson reviewed the task force's report and recommendations. He discussed at length the expansion of services offered by the bar and remarked that a \$50 increase was needed to move the bar forward.

COMMISSIONER METHVIN MOVED TO INCREASE THE STATE BAR LICENSE FEE BY \$50.00 BEGINNING WITH THE OCTOBER 1, 2016 LICENSE YEAR. THE MOTION WAS SECONDED.

Discussion on the motion ensued as to the appropriateness of the \$50.00 increase. During the discussion a suggestion was made that the bar provide more CLE as a condition to approve the \$50.00 fee increase. The president stated that the motion was probably not appropriate in this circumstance. One commissioner sought an explanation of the cuts that had already been made and President Copeland responded by explaining the belt tightening the bar has done previously and the cuts made over the last two years. Additional remarks favoring the increase and in opposition to it followed. Commissioner Heflin was recognized. He spoke and offered an amendment to the main motion.

COMMISSIONER HEFLIN MOVED TO AMEND THE MAIN MOTION TO READ THAT IN THE EVENT A \$50.00 LICENSE FEE INCREASE IS APPROVED, THAT ALL LAWYERS IN PRIVATE PRACTICE WITH GROSS RECEIPTS OF LESS THAN \$100,000 WOULD PAY A \$250.00 LICENSE FEE AND THOSE WITH GROSS RECEIPTS IN EXCESS OF \$100,000 WOULD PAY A \$350.00 LICENSE FEE. THE MOTION WAS SECONDED.

Discussion on the amendment followed including comments from the secretary that the current statutory structure of state bar license fees does not provide for a bifurcated license fee.

THE PRESIDENT CALLED FOR A VOTE ON THE AMENDMENT BY A SHOW OF HANDS AND THE AMENDMENT FAILED.

President Copeland then recognized Commissioner Chason who spoke to the main motion stating that the increase should be \$25.00. Commissioner Chason stated that the timing was not good to raise dues because of the difficulties many firms have encountered economically as a result of the recession. After elaborating on additional reasons for only a \$25.00 increase, President Copeland addressed Commissioner Chason's remarks expressing the need for a \$50.00 license fee increase.

COMMISSIONER SHEPARD MOVED TO AMEND THE ORIGINAL MOTION SO AS TO ALLOW A \$25.00 INCREASE BEGINNING OCTOBER 1, 2016 WITH A SECOND \$25.00 INCREASE IN TWO YEARS IF APPROVED BY A REGULAR VOTE OF THE COMMISSION. THE MOTION WAS SECONDED.

Discussion on the amendment followed.

FOLLOWING DISCUSSION, PRESIDENT COPELAND ASKED FOR A SHOW OF HANDS ON THE MOTION OFFERING AN AMENDMENT TO THE MAIN MOTION. TWENTY-SIX VOTED FOR THE MOTION AND 26 VOTED AGAINST. THE MOTION FAILED.

THE QUESTION WAS CALLED ON THE MAIN MOTION OF A \$50.00 FEE INCREASE. THE PRESIDENT ASKED FOR A SHOW OF HANDS WITH 24 VOTING IN FAVOR OF THE MOTION AND 26 AGAINST. THE MOTION FAILED TO CARRY BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER CHASON MOVED TO INCREASE THE LICENSE FEE BY \$25.00 COMMENCING OCTOBER 1, 2016. THE MOTION WAS SECONDED. PRESIDENT COPELAND ASKED FOR A SHOW OF HANDS WITH 47 VOTING IN FAVOR OF THE MOTION AND SEVEN OPPOSED. THE MOTION CARRIED BY THE NECESSARY TWO-THIRDS VOTE.

*Commissioner Patel requested to be shown as voting against the increase.)

17. AT-LARGE COMMISSIONER ELECTION

The president reported Commissioners Gaines and Shattuck had applied to serve another term on the commission. He stated that four additional applications were filed and it was recommended that Karen Laneaux of Montgomery, In addition to Commissioners Gaines and Shattuck be elected for the three at-large positions on the commission.

COMMISSIONER MAZE MOVED TO CLOSE NOMINATIONS AND RE-ELECT MONET GAINES AND COOPER SHATTUCK AND ELECT KAREN LANEUX AS AN AT-LARGE COMMISSIONER. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. ADJOURNMENT

President Copeland 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.

Lee H. Copeland, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar