

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, October 30, 2015

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 Chason 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	J. Levi Nichols
Jana Russell Garner	Hays Webb	William H. Broome
Dana Grimes	Leslie R. Barineau	John A. Smyth, III
Barry A. Ragsdale	Robert G. Methvin	Augusta S. Dowd
Allison O. Skinner	Brannon J. Buck	Erik Stephen Heninger
Kenneth Moore	Ralph E. Holt	C. Zackery Moore
Frederick G. Helmsing, Jr.	Juan Ortega	James Rebarchak
George R. Parker	Les Pittman	J. Flynn Mozingo
Jeffery C. Duffey	James David Martin	Tom Perry
William Randall May	Mark S. Boardman	Anita Malatia Glass
Robert L. Bowers	R. Cliff Mendheim	Manish H. Patel
John A. Brinkley, Jr.	Rebekah K. McKinney	M. Clay Martin
Audrey O. Strawbridge	Daryl Burt	Allan Chason
Sam Irby	Erskine R. Funderburg, Jr.	H. Thomas Heflin
Jason P. Knight	Lee F. Knowles	Sharon Hindman Hester
Matthew C. Mitchell	Donald Ben Mansell	Gregory M. Varner
Scott L. McPherson	Meredith S. Peters	Rebecca G. DePalma
Alicia F. Bennett	Monet M. Gaines	

The following commissioners were absent:

Charles G. Reynolds, Jr.	Terri O. Tompkins	Emily L. Baggett
Thad Yancey, Jr.	Clay A. Lanham	James R. Beard
C. Gibson Vance	Donald R. Rhea	Eric Coale
Tazewell T. Shepard, III	F. Patrick Loftin	Clint L. Maze
W. Thomas Chapman, II	Christy Williams Graham	Roger W. Pierce
Diandra S. Debrosse	Cooper Shattuck	Kira Fonteneau
Jeanne Dowdle Rasco	Ashley Swink Fincher	

Also in attendance were President-elect Cole Portis and Immediate Past President Rich Raleigh. Staff members present included Tony McLain, Ed Patterson, Diane Locke, Laura Calloway, Eric Anderson, Margaret Murphy, Hunter Harris, Angela Parks, Linda Lund, Robert Thornhill, Christina Butler, Kelley Lee, Merinda Hall, Jeremy McIntire, Tripp Vickers and Mark Moody. Also in attendance were Suzi Edwards, legislative counsel and Tracy Daniel, director of the Alabama Law Foundation. Hughston Nichols, president of the Young Lawyers' Section was in attendance.

3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 18, 2015 BOARD OF COMMISSIONERS MEETING

President Copeland stated that the minutes of the September 18, 2015 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 CROW MOVED TO APPROVE THE MINUTES OF THE SEPTEMBER 18, 2015 BOARD OF COMMISSIONERS MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

4. INTRODUCTION OF GUESTS

Visiting were Tamara Neeley, president of the DeKalb County Bar Association and Linda W. H. Henderson, president of the Macon County Bar Association.

5. REPRIMANDS*

5.a. Grover Patterson Keahey, Jr., Birmingham, ASB 2013-1923

Mr. Keahey received a public reprimand with general publication for violating Rules 1.4(a), 1.5(c) and 5.3(a) and (b) of the *Alabama Rules of Professional Conduct* (ARPC).

5.b. Charles "Ted" Turnipseed, Montgomery, ASB 2013-1827

Mr. Turnipseed received a public reprimand without general publication for violating Rules 8.4(b) and (g) and 8.1(a) of the *ARPC*.

5.c. Curtis Ray Hussey, Fairhope, ASB 2014-195

Mr. Hussey accepted a guilty plea and received a public reprimand with general publication for violating Rule 1.4(a) and (b), 5.4, 8.4(a) and (g) of the *ARPC*.

5.d. Evan Walter Smith, Centre, ASB 2014-718

Mr. Smith received a public reprimand without general publication for violating Rule 1.3 of the *ARPC*.

6. PRESIDENT'S REPORT

The president stated that Justin Aday, Director of Admissions was away because of family illness. He then reported on the results of the July Bar Exam and the continuing drop in the overall pass rate. He noted that Alabama's results parallel the declining bar

exam rates from other jurisdictions across the nation. He then discussed his activities since the previous meeting including: speaking at the Opening of Court ceremony; speaking at the Family Law Section seminar; attending the Southern Conference of Bar Presidents meeting in Alexandria, Virginia and speaking at the admission ceremony. He concluded by reviewing each of the bar's committees and task forces and their responsibilities.

7. FINANCE REPORT

Finance Director Merinda Hall reviewed the Alabama State Bar year-end report as well as the year-end reports for the Client Security Fund, Meeting and Events Account, Sections Account and VLP Account.

8. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Tony McLain reported that the 11th Circuit had rendered its decision in the case of *Mississippi Valley Title Insurance Company, et al vs. Thompson*. He stated that the court reversed the judgement of the district court and remanded it for further proceedings.

9. DIGITAL COMMUNICATIONS REPORT

Eric Anderson highlighted CFI payments (Consolidated Fee Invoice) to date. He reported that bar fees were being paid earlier and that more members were paying online (47 percent as of October 15th). He mentioned that the Digital Communications Committee was studying a recommendation for the bar to move to paperless invoices in 2017 which would save approximately \$20,000.

10. EXTERNAL RELATIONS AND PROGRAMS REPORT

Ed Patterson discussed the following: results of the sign-up period for the Lloyds of London disability program; that the Young Lawyers' Section had 680 dues paying members; that the Women's Section had decided to become an opt-in section (leaving only four non-opt-in sections) and work on a new long range plan for the state bar.

11. SERVICE PROGRAMS REPORT

Laura Calloway reported on the success of the e-discovery webcast in conjunction with the ESI roundtable that was held the previous day. She stated that the webcast was held in 14 locations, in 13 different counties as well as online with a total of 90 participants.

12. ELECTION RULES TASK FORCE REPORT

President-elect Cole Portis discussed the work of the Election Rules Committee and detailed the recommended changes to the election rules including: changing the filing dates for the president-elect races; eliminating mass mailing of president-elect campaign materials; changing the composition of the Election Supervision Committee and, among other changes, shortening the voting period from two weeks to five days. He also stated that the committee recommended that a third party vendor conduct the elections.

COMMISSIONER BUCK MOVED TO SUSPEND THE RULES AND TAKE UP THE AMENDMENTS AS AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER IRBY MOVED TO ADOPT THE AMENDMENTS TO THE ELECTION RULES. THE MOTION WAS SECONDED.

Several questions and discussion followed the motion adopting the amendments.

THE QUESTION WAS CALLED AND THE MOTION TO ADOPT THE AMENDMENTS TO THE ELECTION RULES AS RECOMMENDED WAS APPROVED.

[A copy of the election rules as amended is included as Appendix A to these minutes.]

13. **PRO BONO MONTH REPORT**

Commissioner Flynn Mazingo reported on the success of the month long celebration and the numerous activities held to celebrate Pro Bono Month. He introduced student representatives from Alabama, Cumberland and Jones law schools. They were:

Jones School of Law

Serena Cronier, Montgomery, AL - 3L

Betsi Boutwell, Huntsville, AL - 2L

Cumberland School of Law

Emily Irvin; Eufaula, AL – 3L

Hilaire Armstrong; Hoover, AL – 3L

University of Alabama School of Law

Brad Hargett, Tuscaloosa, AL - 3L

Jessica Zorn, Doylestown, Pennsylvania, - 3L

14. **LEGAL FOOD FRENZY**

Immediate Past President Rich Raleigh stated that this program was first started by the Georgia Bar and the Attorney General for the State of Georgia. It is a food drive competition to provide a stockpile of food that will help feed children during the summer months when school is not in session. He stated that the Legal Food Frenzy would be promoted in the spring and lead up to a planned competition between law firms, law schools and bar associations to collect the most food. The event would take place during a two week period in May. Food banks across the state would also be involved to help with the food collection and distribution.

15. **RULE III APPLICATIONS**

President Copeland stated that five individuals had applied for admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. They were: David Paul Coates (TN); Amber Michelle Fite-Morgan (OK); Victor Herng-

Chin (GA); Charlotte Anne Klenke (WI) and Allen Porter Mendenhall (GA). He stated that each of the individuals meets all the Rule III requirements.

COMMISSIONER CROW MOVED THE ADMISSION OF DAVID PAUL COATES, AMBER MICHELLE FITE-MORGAN, VICTOR HERNG-CHIN, CHARLOTTE ANNE KLENKE AND ALLEN PORTER MENDENHALL. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. ELECTION TO FILL VACANCY FOR THE 10TH JUDICIAL CIRCUIT, PLACE 6

President Copeland explained that a vacancy for Place 6 of the 10th Judicial Circuit had been created by the resignation of Commissioner Teresa Minor. He further explained that the Birmingham Bar had been asked to recommend a possible replacement to be considered by the Board of Bar Commissioners for the vacancy. The president stated that the Birmingham Bar had transmitted three names for the commission's consideration. They were LaBella Alvis, Bob Battle and Mike Ermert.

THE PRESIDENT THEN ASKED IF THERE WERE ANY NOMINATIONS FROM THE FLOOR AND THERE WERE NONE. COMMISSIONER GAINES MOVED TO CLOSE NOMINATIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The President then asked commissioners to comment about the three nominees. Following comments by various commissioners on behalf of the nominees, President Copeland stated that a vote would be taken by a show of hands.

THE VOTE WAS CONDUCTED AND MS. ALVIS RECEIVED 48 PERCENT, MR. BATTLE RECEIVED 8 PERCENT AND MR. ERMERT RECEIVED 44 PERCENT.

PRESIDENT COPELAND STATED THAT BECAUSE NO NOMINEE RECEIVED A MAJORITY VOTE, THERE WOULD BE A RUN-OFF BETWEEN MS. ALVIS AND MR. ERMERT. HE ASKED FOR A SHOW OF HANDS FOR EACH NOMINEE AND EACH RECEIVED IDENTICAL VOTES.

AS A RESULT OF A TIE, THE BOARD OF BAR COMMISSIONERS AUTHORIZED PRESIDENT COPELAND TO FLIP A COIN TO DECIDE THE WINNER. THE COIN FLIP WAS IN THE FAVOR OF MR. ERMERT WHO WAS DECLARED THE COMMISSIONER FOR THE 10TH JUDICIAL CIRCUIT, PLACE 6.

17. LEADERSHIP FORUM CLASS 12

Mr. Tom Warburton appeared before the commission to introduce the proposed slate of 30 class members and four alternates for Leadership Forum Class 12. He stated that the program had received 80 applications for the 2016 class. The names of the individuals proposed for Class 12 along with the alternates were as follows:

Erica Williamson Barnes
David Edgar Black
Lindsey C. Boney, IV

Mary Margaret Pittman Carroll
 Kimberly Paige Casey
 Latisha Vanese Colvin
 Thomas Gerald DeLawrence
 Starr Turner Drum
 Christopher John England
 Heather Rene' Fann
 Dustin Brent Hargett
 David Wayne Holt
 Eric Wilson Hunter
 Adam Kent Israel
 Lee Franklin Knowles
 Joseph Parker Miller
 George LaFayette Morris, IV
 Tamara Watson Neeley
 John Levi Nichols
 Blake Lee Oliver
 Kathryn Jane Osburne
 Ashley Reitz Peinhardt
 Christopher Keith Richardson
 Ryan Patrick Robichaux
 Stephen Dennis Rygiel
 Stephen Anthony Stetson
 Charles Samuel Todd
 Latanishia Danieille Watters
 Jere Bennett White
 Suntrease W. Williams-Maynard

Carmen Francis Howell – Alternate
 Felicia Abernathy Long – Alternate
 Leigh Maples Snodsmith – Alternate
 William Allen Sheehan - Alternate

COMMISSIONER GLASS MOVED TO ACCEPT THE PROPOSED SLATE OF 30
 CANDIDATES AND FOUR ALTERNATES FOR LEADERSHIP FORUM CLASS 12.
 THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. DONATION FOR DISASTER RELIEF IN SOUTH CAROLINA

President Copeland stated that he was recommending that \$1,000 be contributed to the South Carolina State Bar in furtherance of their efforts to assist victims with recent flooding in that state. He stated that the funds would come from the Meetings & Events Account.

COMMISSIONER BENNETT MOVED TO AUTHORIZE A CONTRIBUTION IN
 THE AMOUNT OF \$1,000 TO THE SOUTH CAROLINA STATE BAR FOR FLOOD
 ASSISTANCE. THE MOTION WAS SECONDED AND APPROVED BY VOICE
 VOTE.

19. FY2016-27 BUDGET REQUEST

Ms. Merinda Hall stated that the proposed budget for FY17 was \$6,850,000. She explained that this amount was an increase of \$150,000 over the FY16 budget, or a 2.2 percent.

COMMISSIONER BROOME MOVED TO APPROVE THE REQUESTED BUDGET AMOUNT OF \$6,850,000 FOR FY2017. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. 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