

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Headquarters
Montgomery, Alabama

Friday, September 14, 2007

1. CALL TO ORDER

President Sam Crosby 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 headquarters in Montgomery, Alabama. Commissioner Joseph gave the invocation.

2. ROLL CALL

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

Ronnie E. Keahey	Michael E. Jones	Christy Crowe
J. Garrison Thompson	Randall S. Haynes	Cooper Shattuck
Alyce M. Spruell	John M. Gruenewald	Nicholas B. Roth
W. N. (Rocky) Watson	Anthony A. Joseph	S. Greg Burge
Phillip W. McCallum	Greg Hawley	Maibeth J. Porter
Joseph A. Fawal	Robert E. Moorner	Jim Pratt
William A. (Pete) Short	Richard W. Whittaker	Michael D. Knight
William M. Cunningham	Billy C. Bedsole	Juan Ortega
Mary Margaret Bailey	James R. Beaird	Les Hayes, III
Cole Portis	Sim Penton	Lee H. Copeland
F. Michael Haney	K. Scott Stapp	John E. Medaris
Joseph A. Morris	Thomas B. Albritton	Harold Stephens
L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.	Ronald H. Strawbridge, Jr.
R. Wyatt Howell	Kenneth E. White, III	John C. Gullahorn
Allan Chason	Tut Wynne	Elizabeth Parsons
John M. Kennemer	Jason P. Knight	Robert H. Brogden
David T. Hyde, Jr.	Gerald R. Paulk	Wayman Sherrer
Walter E. McGowan	Claude E. Hundley, III	Merceria Ludgood
Pamela H. Bucy	Kesa Johnston	Kelly T. Lee

The following Commissioners were absent:

Jack Neal	Albert J. Trousdale, II	James H. Anderson
Donald R. Jones, Jr.	Robert L. Bowers, Jr.	Everette A. Price, Jr.
Robert L. Rumsey	Roger Bedford, Jr.	Timothy D. Littrell
Robert T. Meadows, III	Jere C. Trent	David F. Law
Deborah Byrd Walker	Alicia F. Bennett	Kyra Sparks

Also in attendance were President-elect Mark White and Immediate Past President Boots Gale. Staff members present included Laura Calloway, Linda Lund, Anita Hamlett, Tony McLain, Ed Patterson, Robby Lusk, Sam Partridge and Brad Carr. Also in attendance was Tracy Daniel of the Alabama Law Foundation.

3. **APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR JULY 18, 2007 AND JULY 21, 2007 AND THE MINUTES OF THE 2007 GRANDE CONVOCATION AND ANNUAL BUSINESS MEETING.**

President Crosby stated that the minutes of the Board of Commissioners meeting for July 18, 2007 and the resumption of that meeting on July 21, 2007 had been disseminated to the Board. Likewise, the minutes for the 2007 Grande Convocation and Annual Business Meeting had been circulated to the board. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER BEDSOLE MOVED TO APPROVE THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR JULY 18, 2007 AND JULY 21, 2007 AND THE MINUTES OF THE 2007 GRANDE CONVOCATION AND ANNUAL BUSINESS MEETING. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

4. **PUBLIC REPRIMANDS**

4.1. **Dorris McDowell Samsil, Jr., Birmingham, ASB 06-066(A)**

Mr. Samsil received a public reprimand with general publication for violation of Rule 8.4(g) of the *Alabama Rules of Professional Conduct [ARPC]*.

4.2. **James R. Bryant, Madison County, ASB 06-211(A)**

Mr. Bryant received a public reprimand with general publication for violation of Rules 3.10 and 8.4(a) of *ARPC*.

4.3. **Samuel Ray Holmes, Birmingham, ASB 06-21(A)**

Mr. Holmes received a public reprimand with general publication for violation of Rules 8.4(b), 8.4(c), 8.4(d) and 8.4(g) of *ARPC*.

5. **PRESIDENT'S REPORT**

President Crosby expressed condolences for the entire board to Commissioner Robert Rumsey and his wife for the loss of their daughter. He also expressed condolences on behalf of the board to Commissioner Hundley for his loss of both parents since the last meeting. President Crosby congratulated Commissioner White on his recent marriage and Commissioner Ludgood on her capturing the democratic primary as a candidate for a slot on the Mobile County Commission.

President Crosby thanked Commissioner Fawal for helping contact law school leaders who will be present for future meetings of the Commission. President Crosby then reviewed his upcoming plans as president and the projects he hopes to complete during his term of office.

6. SECRETARY'S REPORT

The Secretary introduced new staff member Kristi Neal who will be handling the in-house scanning of files. The Secretary stated that the Birmingham Bar Association had forwarded a memorial resolution honoring Drew Redden to be included in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER MOORER MOVED THE ACCEPTANCE OF THE MEMORIAL RESOLUTION OF THE BIRMINGHAM BAR ASSOCIATION HONORING DREW REDDEN FOR PLACEMENT IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The Secretary informed the commission that a style manual for the state bar had been created by the staff. He noted that a new leadership manual for members of the board had been distributed. The Secretary concluded by stating that Buck Watson of Huntsville had resigned from the Board of Directors of Legal Services Alabama. He stated that the commission would have to fill this vacancy in the very near future.

7. COMMUNICATIONS UPDATE

Communications Director Brad Carr stated that a written report had been circulated on behalf of the Communications Department.

8. PROGRAMS UPDATE

Programs Director Ed Patterson updated the commission on the progress being made on planning for the 2008 Leadership Forum. He then introduced Marie Updike who will serve as an administrative assistant for the Programs Department.

9. GENERAL COUNSEL'S REPORT

General Counsel Tony McLain stated that November 16th was the deadline to submit nominations for the Chief Justice's Professionalism Award. The award will be presented in conjunction with the Professionalism Consortium to be held in February. He then updated the Commission on the DuBose case pending before the Alabama Supreme Court.

10. HISTORY AND ARCHIVES COMMITTEE REPORT

President Crosby recognized Ben Spratling, History and Archives Committee chair. Mr. Spratling reported on a proposed contract between the committee and the Bench & Bar Society. The contract would be for printing the manuscript of the history of the legal profession being written by Pat Rumore. Mr. Spratling stated that obtaining funding for the project had been a struggle and by joining with the Bench & Bar Society to make this a joint project, the manuscript being written could be printed. He stated that the approval of the contract would be an action item at the next board meeting.

11. REPORT OF THE TASK FORCE ON ALLIED PROFESSIONALS

President Crosby recognized Marcie Johns, chair, Abdul Kallon, co-chair and Calvin Williams, committee member for the report. Ms. Johns highlighted the primary aspects of the report including the adoption of a definition of paralegal in Alabama, continuation of the committee to study a credentialing program. After review of the proposed definition of paralegal and the other aspects of the committee report, there were several questions from commissioners concerning the need for the state bar to approve a definition of a paralegal. There were other concerns expressed about the potential role of the state bar in the possible licensing and credentialing of paralegals. After addressing the questions, committee members stated they would take the commission's concerns back to the entire committee. The President thanked them for their report.

12. LAWYER REFERRAL COMMITTEE REPORT

The President called on Charlie Moses of the committee. He encouraged commission members to sign up for the Lawyer Referral Service because more panel members were needed. He then discussed the creation of a military panel that would consist of lawyers who would agree to give a 25 percent discount on legal services to military service members and their families. Mr. Moses answered several questions from the commission. President Crosby thanked Mr. Moses for his report.

13. POLICIES FOR HANDLING E-MAILS TO STATE BAR MEMBERS AND E-MAIL LISTS

Commissioner Ryan chaired the committee appointed by then president Boots Gale to study and recommend proposed ASB broadcast e-mail and e-mail lists policies. The broadcast e-mail policy would establish a procedure for sending e-mails to bar members. Commissioner Ryan noted that the proposed e-mail list policy mirrors the current policy for the release of the physical addresses of members.

14. APPOINTMENT TO FILL VACANCY ON JUDICIAL INQUIRY COMMISSION

President Crosby announced that there were two candidates for the vacancy: Boots Gale and Robert Huffaker.

President Crosby asked if there were nominations from the floor.

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

President Crosby excused Mr. Gale from the board room. He asked for remarks from commissioners on each nominee.

AFTER REMARKS FOR EACH NOMINEE, PRESIDENT CROSBY ASKED FOR A SHOW OF HANDS FOR EACH NOMINEE. BASED ON A SHOW OF HANDS, MR. GALE WAS ELECTED TO FILL THE POSITION ON THE JUDICIAL INQUIRY COMMISSION CURRENTLY HELD BY PRESIDENT-ELECT MARK WHITE.

15. RULE III APPLICATIONS

The Secretary stated that applications for admission pursuant to Rule III of the *Alabama State Bar Rules Governing Admission* had been received from John Andrew Barney (Tennessee), Rhonda Lee Plumlee (Washington), Robert Thomas Noone (West Virginia) and Jason Claude Odom (Georgia). The Secretary stated that each of the candidates' applications complied with all provisions of Rule III and that each candidate met the Character and Fitness requirements.

COMMISSIONER PAULK MOVED THE ADMISSION OF JOHN ANDREW BARNEY, RHONDA LEE PLUMLEE, ROBERT THOMAS NOONE AND JASON CLAUDE ODOM AND THE SUBMISSION OF THEIR NAMES TO THE ALABAMA SUPREME COURT FOR ADMISSION TO THE ALABAMA STATE BAR PURSUANT TO RULE III OF THE ALABAMA STATE BAR RULES GOVERNING ADMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. INSURANCE PROGRAMS COMMITTEE REPORT

President Crosby recognized Kate Musso of the Insurance Programs Committee. Ms. Musso explained the health insurance product that the committee had reviewed and was recommending for approval. She explained that this was a product for members who might not be able to qualify for Blue Cross Blue Shield coverage. She noted that the proposal included two products with high deductibles and high co-pays made available through the World Insurance Company. Ms. Musso observed that these products would give state bar members another alternative even though the insurance was not guaranteed issue and has underwriting requirements in order to obtain coverage. Ms. Musso stated that the state bar's third party insurance administrator, Insurance Specialist, had worked to obtain this product.

COMMISSIONER HAWLEY MOVED THE APPROVAL OF THE HEALTH INSURANCE PLAN UNDERWRITTEN BY WORLD INSURANCE COMPANY AS RECOMMENDED BY THE INSURANCE PROGRAMS COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the Insurance Programs Committee report is included with these minutes and attached as Appendix A.]

17. CREATION OF A STANDING COMMITTEE FOR THE SPANISH SPEAKING LAWYERS GROUP

President Crosby stated that it was recommended the current Spanish Speaking Lawyers working group be approved as a standing committee. He noted that under board policies for committees and task forces, the commission must approve all standing committees.

COMMISSIONER MCCALLUM MOVED THE CREATION OF A SPANISH SPEAKING LAWYERS STANDING COMMITTEE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. NEW DRAFT OF WOMEN'S SECTION BY-LAWS

President Crosby stated that the Women's Section had proposed a new set of by-laws for the section. A copy of the proposed by-laws was circulated.

COMMISSIONER BEDSOLE MOVED THE APPROVAL OF THE NEW BY-LAWS FOR THE WOMEN'S SECTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the by-laws of the Women's Law Section as adopted are included with these minutes as Appendix B.]

19. PRODUCTION COST FOR 'WILLS FOR HEROES' PUBLIC SERVICE ANNOUNCEMENT

President Crosby stated that the Public Relations Committee had recommended the production of a new public service announcement to promote the "Wills for Heroes" program. He explained the proposed new announcement would run on TV and radio stations throughout the state as a part of the state bar's partnership with the Alabama Broadcasters Association. He informed the commission that the cost for producing, dubbing and mailing the radio and TV spots was \$7,761.60.

COMMISSIONER SPRUELL MOVED THE AUTHORIZATION OF THE EXPENDITURE OF \$7,761.60 FOR THE PRODUCTION COST FOR A NEW RADIO AND TV PUBLIC SERVICE ANNOUNCEMENT TO PROMOTE THE 'WILLS FOR HEROES' PROGRAM. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. REPORT OF THE COMMITTEE ON DISCIPLINARY RULES

President Crosby recognized retired Associate Justice Ralph Cook to answer questions about the proposed changes to the Rules of Professional Conduct and Rules of Disciplinary Procedure that were disseminated at the July meeting.

COMMISSIONER MOORER MOVED THE ADOPTION OF THE PROPOSED RULE CHANGES TO THE RULES OF PROFESSIONAL CONDUCT AND THE RULES OF DISCIPLINARY PROCEDURE. THE MOTION WAS SECONDED.

President Crosby asked if there were any questions. A question concerning the dissolution of the disciplinary appeals panel was asked. Justice Cook and Mr. McLain explained the reason for dissolving the disciplinary appeals panel. President Crosby asked if there were any further questions.

THERE BEING NO FURTHER QUESTIONS, PRESIDENT CROSBY ASKED FOR A VOTE ON THE PENDING MOTION. THE MOTION WAS APPROVED BY VOICE VOTE.

The third area addressed by the Disciplinary Rules Committee concerned proposed advertising rule changes. President Crosby recognized Commissioner Ryan who addressed these proposed changes and encouraged the commission not to consider them. Following his remarks, there were other comments which included letting the rules, as proposed, go to the Supreme Court in order to allow the court to make the final decision on the proposed rules. Justice Cook outlined the process of how the court generally considers proposed rules and rule changes.

President Crosby asked if there were any further questions. There were none.

COMMISSIONER FAWAL MOVED APPROVING THE ADVERTISING RULE CHANGES AS PROPOSED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Crosby thanked Justice Cook and Commissioner Ryan.

[A copy of the rule changes as proposed by the Disciplinary Rules and Enforcement Committee is attached to these minutes and appears as Appendix C.]

21. STAFF COMPENSATION FY2007-2008

President Crosby stated that the recommended staff compensation total for FY2007-2008 was \$2,364,425.00.

President Crosby asked if there was any discussion.

FOLLOWING DISCUSSION, COMMISSIONER BEDSOLE MOVED THE APPROVAL OF STAFF COMPENSATION OF \$2,364,425.00 FOR FY2007-2008. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. ADJOURNMENT

President Crosby 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.

Samuel N. Crosby, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar

