

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, September 18, 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 Dowd 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	Charles G. Reynolds, Jr.
Terri O. Tompkins	Hays Webb	William H. Broome
Dana Grimes	Leslie R. Barineau	John A. Smyth, III
Barry A. Ragsdale	Augusta S. Dowd	Allison O. Skinner
Erik Stephen Heninger	L. Kenneth Moore	C. Zackery Moore
Frederick G. Helmsing, Jr.	Clay A. Lanham	Juan Ortega
George R. Parker	Les Pittman	J. Flynn Mozingo
C. Gibson Vance	Tom Perry, Jr.	William Randall May
Mark S. Boardman	Anne Malatia Glass	Robert L. Bowers, Jr.
Eric Coale	Manish H. Patel	Tazewell T. Shepard, III
M. Clay Martin	Daryl Burt	Clint L. Maze
Allan Chason	Steven D. Adcock	Erskine R. Funderburg, Jr.
H. Thomas Heflin, Jr.	Jason P. Knight	Sharon Hindman Hester
Matthew C. Mitchell	Donald Ben Mansell	Diandra S. Debrosse
Meredith S. Peters	Alicia F. Bennett	Kira Fonteneau
Jeanne Dowdle Rasco	Monet M. Gaines	

The following commissioners were absent:

J. Levi Nichols	Jana Russell Garner	Emily L. Baggett
Robert G. Methvin, Jr.	Teresa G. Minor	Brannon J. Buck
Ralph E. Holt	Thad Yancey, Jr.	James Rebarchak
James R. Beard	Jeffery C. Duffey	James David Martin
Donald R. Rhea	R. Cliff Mendheim	John A. Brinkley, Jr.
Rebekah K. McKinney	Audrey O. Strawbridge	F. Patrick Loftin
Sam Irby	Lee F. Knowles	W. Thomas Chapman, II
Christy Williams Graham	Roger W. Pierce	Gregory M. Varner
Scott L. McPherson	Cooper Shattuck	Rebecca G. DePalma
Ashley Swink Fincher		

Also in attendance were President-elect Cole Portis, Immediate Past President Rich Raleigh and Presidential Counselor, Anthony Joseph. Staff members present included Tony McLain, Ed Patterson, Diane Locke, Justin Aday, Linda Lund, Christina Butler, Mark Moody, Jeremy McIntire, Laura Calloway, Kelley Lee, Eric Anderson, Margaret Murphy, Merinda Hall and Robert Thornhill. Hughston Nichols, president of the Young Lawyers Section, Suzi Edwards, legislative counsel, Tracy Daniel, director of the Alabama Law Foundation and Judy Keegan, director of the Center for Dispute Resolution were in attendance.

3. INTRODUCTION OF GUESTS

Visiting guests included Emily McClendon, a senior law student who was introduced by Commissioner Kenneth Moore. Also, in attendance was Michelle Moseley, secretary to President Lee Copeland.

4. APPROVAL OF THE MINUTES OF JULY 15 AND JULY 18, 2015 BOARD MEETINGS AND THE MINUTES OF THE JULY 18, 2015 GRANDE CONVOCATION AND ANNUAL BUSINESS MEETING

President Copeland stated that the minutes of the July 15 and July 18 board meetings and the minutes of the July 18 Grande Convocation and Annual Business 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 JULY 15 AND JULY 18 BOARD MEETINGS AND THE MINUTES OF THE JULY 18 GRANDE CONVOCATION AND ANNUAL BUSINESS MEETING. THE MOTION WAS SECONDED AND APPROVED BY UNANIMOUS VOICE VOTE.

5. REPRIMANDS*

5.a. Wesley House Garrett, Columbus, MS, ASB 2014-693

Ms. Garrett received a public reprimand with general publication for violating Rules 1.3, 1.4(a) and (b), 8.4(a) and (g) of the *Alabama Rules of Professional Conduct (ARPC)*.

5.b. Steven Paul Smith, Jefferson County, ASB 2014-818

Mr. Smith received a public reprimand with general publication for violating Rules 1.3, 1.4(a) and (b), 8.1(a), 8.4(a) and (g) of the *ARPC*.

5.c. Jacqueline Rachel Macon, Mobile County, ASB 2014-498

Ms. Macon received a public reprimand without general publication for violating Rules 7.2(b) and 7.3 of the *ARPC*.

5.d. Annesley H. DeGaris, Jefferson County, ASB 2014-1592

Mr. DeGaris entered a conditional guilty plea that was accepted by the Disciplinary Commission and received a public reprimand with general publication for violating Rules 7.1(a), 7.2(c), 7.3 and 8.4 of the *ARPC*.

*Thomas A. Smith, Jr., Cullman County Bar, ASB-2013-2130 received a public reprimand in the Circuit Court of Cullman County, Alabama. The reprimand was read aloud and signed by the presiding Circuit Judge of the 32nd Judicial Circuit, Honorable Greg Nicholas. The reprimand was given on September 17, 2015 at approximately 3:00 p.m. as a part of the civil motion docket.

6. PRESIDENT'S REPORT

The president's report included discussion of the Succession Planning Committee which will handle the details on seeking a new executive director; the Long Range Planning Task Force to develop a new long range plan; a task force to match up young lawyers with older lawyers wishing to retire and transfer their practice. He also discussed: surveys sent to retiring board members; reduction of annual meeting registration fees for members 65 years or older; updating the staff employment manual; increasing the rental payment to the Alabama State Bar Foundation by \$100,000 and his upcoming meetings of the Houston County Bar Association and Southern Conference of Bar Presidents as well as his attendance at the Charles Gamble Roast the previous evening. The president also took a moment to highlight the level funding appropriation the legislature made in the second session for the trial courts. He did note that the budgets for the appellate courts were cut by a small amount.

Finally, the president introduced staff program directors including Tony McLain, General Counsel; Eric Anderson, Director of Digital Communications; Ed Patterson, Assistant Executive Director; Justin Aday, Director of Admissions, Laura Calloway, Director of Service Programs; Christina Butler, Director of External Relations; Tracy Daniel, Director of the Alabama Law Foundation; Merinda Hall, Director of Finance; Judy Keegan, Director of the Alabama Center for Dispute Resolution; Linda Lund, Director of the Volunteer Lawyers' Program; Margaret Murphy, Director of Publications; and Robert Thornhill, Director of the Alabama Lawyer Assistance Program. Each director gave a brief overview of their department's responsibilities.

7. SECRETARY'S REPORT

The secretary reported that the Mobile Bar Association had forwarded a memorial resolution honoring Robert McDonald to be included in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER LANHAM MOVED TO INCLUDE THE MOBILE BAR ASSOCIATION RESOLUTION HONORING ROBERT MCDONALD IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

8. OFFICE OF GENERAL COUNSEL REPORT

Tony McLain reported on the dismissal of the Cooner lawsuit on immunity grounds by the Federal Court for the Northern District of Alabama.

9. DIGITAL COMMUNICATIONS REPORT

Eric Anderson reported that licensing renewals were ahead of last year including more than two-thirds of the payments being made online.

10. EXTERNAL RELATIONS AND PROGRAMS REPORT

Ed Patterson provided two handouts, one concerning the Lloyds of London Disability Insurance Program and the other on recruitment for the 2016 Leadership Forum class.

11. ADMISSIONS REPORT

Justin Aday highlighted several matters: implementation of the online application system; receiving positive feedback from presentations made at in-state law schools; upcoming training for character and fitness panels; and the release of July bar exam results the following week.

12. SERVICE PROGRAMS REPORT

Laura Calloway reported on two e-discovery CLE programs available through the practice assistance program and the ESI roundtable. The first program would be held September 24 at the Birmingham offices of the Balch & Bingham. It would cover discovery and provide 1.5 hours of CLE credit. The second program would be October 29 and provided 1.5 hours of CLE. That program would cover the avoidance of malpractice in e-discovery. Ms. Calloway stated that she would be working to schedule live webinars at various locations in Alabama for the second program. The first program would be free and the second would also be free unless CLE credit was claimed. The cost then would be \$49.00.

13. RULE III APPLICATIONS

President Copeland stated that the following individuals had applied for admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. They were Charles Coleman Alford (GA); Gabriel Jacob Fleet (GA); Tanganyika Dajara Gholston (GA); John Patrick Gross, Jr. (DC); Stephen Hinton (TN); Jesse Steven New, Jr. (MS); Kevin Christopher Watters (GA); and Elizabeth Quisenberry Wirtz (VA). He stated that each of the candidates meets the Rule III requirements.

COMMISSIONER CROW MOVED THE ADMISSION OF CHARLES COLEMAN ALFORD, GABRIEL JACOB FLEET, TANGANYIKA DAJARA GHOLSTON, JOHN PATRICK GROSS, JR., STEPHEN HINTON, JESSE STEVEN NEW, JR., KEVIN CHRISTOPHER WATTERS AND ELIZABETH QUISENBERRY WIRTZ PURSUANT TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

14. ADOPTION OF INTERNET USAGE AND (STAFF) OUTSIDE EMPLOYMENT POLICIES

President Copeland explained that a new internet usage policy had been drafted tracking the State of Alabama's internet policy. He reported that the new internet usage policy provided for a broader coverage of Alabama State Bar information technology resources to hopefully prevent attacks compromising sensitive information. President Copeland stated that the proposed policy, among other things, addresses social media and removable storage devices. He stated that a copy had been included with the

commissioners' materials for their review. President Copeland also stated that an outside employment policy dealing with staff members of the Alabama State Bar had been included with the materials. He explained that the outside employment policy addresses potential concerns of conflicts that could occur if a staff member has employment outside his or her state bar job.

COMMISSIONER FONTENEAU MOVED TO ADOPT THE INTERNET USAGE POLICY AND THE OUTSIDE EMPLOYMENT POLICY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

[A copy of the internet policy and the outside employment policy as approved are included with the minutes as Appendix A.]

15. STAFF COMPENSATION FY2015-16

President Copeland stated that the amount of \$2,953,103 for staff compensation was recommended for FY2016. He noted that this was a one percent increase over last year's approved amount. The amount that the commission had previously budgeted for FY2016 salaries was \$3,259,088.

COMMISSIONER BROOME MOVED TO APPROVE THE STAFF COMPENSATION FOR FY2015-16 IN THE AMOUNT OF \$2,953,103. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. 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