

## MINUTES

### ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building  
Montgomery, Alabama

Friday, December 10, 2010

#### 1. CALL TO ORDER

President Spruell 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. Assistant Executive Director, Ed Patterson, gave the innovation.

#### 2. ROLL CALL

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

Ronnie E. Keahey	Cleve Poole	Christy Crow
J. Garrison Thompson	Robert Simms Thompson	Cooper Shattuck
Hays Webb	William H. Broome	Phil D. Mitchell
Rocky Watson	Phillip W. McCallum	Augusta S. Dowd
Teresa G. Minor	Derrick A. Mills	Albert J. Trousdale, II
Henry A. Callaway III	Billy C. Bedsole	Juan Ortega
James R. Beard	Frank M. Wilson	J. Flynn Mozingo
Lee H. Copeland	F. Michael Haney	K. Scott Stapp
Hamp Baxley	John L. Jernigan III	John M. Peek
L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.	Kenneth E. White, III
Jerry Wayne Baker, Jr.	Eddie Beason	J. Milton Coxwell, Jr.
Christopher E. Malcom	Don Word	Alexander M. Smith
Claude E. Hundley, III	Deborah Byrd Walker	Merceria Ludgood
LaBarron Boone	Monet M. Gaines	

The following Commissioners were absent:

Leslie R. Barineau	S. Greg Burge	Jack Neal
Joseph A. Fawal	Robert E. Moorer	William A. (Pete) Short
Richard W. Whittaker	Walter H. Honeycutt	Mary Margaret Bailey
Les Pittman	Cole Portis	Sim Penton
Ramona Morrison	Julia C. Kimbrough	Brian D. Mann
Harold Stephens	J. Dale Lawrence, Jr.	R. Wyatt Howell
Allan Chason	Tutt Wynne	Robert L. Rumsey
Elizabeth Parsons	John M. Kennemer	Jason P. Knight
Buddy Lee	Roger W. Pierce	Jerry C. Trent
David F. Law	Walter E. McGowan	Alicia F. Bennett
David K. Howard	Kelly T. Lee	

President-elect Jim Pratt and Immediate Past President Tom Methvin were present. Staff members present included Tony McLain, Ed Patterson, Laura Calloway, Brad Carr, Angela Parks, Sam Partridge, Robby Lusk, Margaret Murphy, Linda Lund and Jeanne Marie Leslie. Also present was Tracy Daniel of the Alabama Law Foundation.

### **3. INTRODUCTION OF GUESTS**

Prior to introducing the guests, President Spruell welcomed Commissioner Flynn Mazingo to his first meeting as commissioner for the 15<sup>th</sup> Judicial Circuit. Included among the guests were Rebecca DePalma of the Leadership Forum and James Michael Perry, president of the Escambia County Bar Association.

### **4. APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR OCTOBER 29, 2010.**

President Spruell stated that the minutes of the Board of Commissioners meeting for October 29, 2010 had been transcribed and disseminated to the board. She asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER JERNIGAN MOVED TO APPROVE THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR OCTOBER 29, 2010. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

### **5. PUBLIC REPRIMANDS**

5.1 Louis James Willie, Jefferson County, ASB 09-1760(A)

Mr. Willie received a public reprimand without general publication for violating Rules 1.3 and 1.4 of the *Alabama Rules of Professional Conduct [ARPC]*.

5.2 Joe Morgan Reed, Montgomery County, ASB 10-301(A)

Mr. Reed entered a conditional guilty plea for violating Rules 7.2(b) and 7.3(a) of *ARPC* and received a public reprimand without general publication.

5.3 Martin Kassab Berks, Jefferson County, ASB 07-117(A)

Mr. Berks received a public reprimand with general publication for violation of Rules 1.4(a), 1.5(c), 1.15(b), 5.3 and 8.4(a) *ARPC*.

### **6. PRESIDENT'S REPORT**

President Spruell recognized Margaret Murphy, publication director of *The Alabama Lawyer* and thanked her for the special issue of *The Alabama Lawyer* paying tribute to the memory of the magazine's long time editor, Robert Huffaker. The president next called on Commissioner John Peek who gave an *ICivics* update. She then recognized Commissioners Mike Haney and Rocky Watson for a report concerning congressional efforts to extend unlimited FDIC coverage for IOLTA accounts. Commissioners Haney and Watson stated that they would keep the commissioners updated about efforts to

extend this protection. President-elect Pratt then gave an update on the ongoing special session called by Governor Riley to address ethics. President Spruell reminded the commission that the February 4 board meeting would be held in Huntsville at the Embassy Suites Hotel. Finally, she reminded the board of the 2011 annual meeting scheduled for Point Clear, July 13-16, 2011.

**7. SECRETARY'S REPORT**

The Secretary stated that the Mobile Bar Association submitted a memorial resolutions honoring Jere Austill, Jr. for inclusion in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER BEDSOLE MOVED TO PLACE THE MEMORIAL RESOLUTION HONORING JERE AUSTILL, JR. FROM MOBILE BAR ASSOCIATION IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The Secretary read a portion of a letter from an Indiana lawyer recently approved to practice in Alabama under Rule III. The letter praised the work of the admissions department in processing his application.

Finally, the Secretary reported that issues dealing with the FTC's Red Flags Rule had been addressed by Congress with the House and Senate adopting legislation to exempt lawyers from the purview of the rule thereby making the pending case in federal court moot.

**8. PROGRAMS UPDATE**

There was no program report.

**9. OGC REPORT**

There was no report made.

**10. YLS BUDGET INCREASE**

President Spruell recognized Clay Lanham, President of the Young Lawyers' Section. Mr. Lanham gave an overview of the programs sponsored by the section including the fall and spring admissions ceremonies, the Sandestin CLE program, the Iron Bowl CLE program, the Minority Pre-Law Conference in Montgomery and Birmingham, Disaster Response program and several others. He stated that the section was in need of additional funding to help with its programming and to make it possible for its delegates to travel to ABA Young Lawyer Division meetings twice a year.

President Spruell recommended that the section's current stipend of \$16,500 be increased by the sum of \$2,000 per quarter or \$8,000 over the next year for a total of \$24,500. Several questions ensued concerning the funding provided to other young lawyer sections across the south and it was determined that the Alabama section was among the sections receiving the least amount of funding support.

COMMISSIONER CROW MOVED TO SUSPEND THE RULES IN ORDER TO MAKE CONSIDERATION OF THE INCREASED STIPEND AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE REQUISITE TWO-THIRDS VOTE.

COMMISSIONER WHITE MOVED TO INCREASE THE STIPEND OF THE YOUNG LAWYERS' SECTION BY THE SUM OF \$2,000 PER QUARTER EFFECTIVE IN THE SECOND QUARTER. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

Mr. Lanham thanked the board on behalf of the Young Lawyers' Section.

**11. AMENDMENT OF BAR'S LICENSE FEE STATUTE**

The Secretary recommended that the commission consider seeking an amendment to the bar's occupational license statute, Section 40-12-49 to give the commission the discretion to increase license fees within a set range. He stated that this would provide the commission the same discretion it now has with the bar exam fee and make it unnecessary to seek legislative approval every time the commission determines a license fee increase is needed.

Discussion ensued concerning the range and whether or not it was necessary to include a cap on the amount the commission should be permitted to increase license fees.

The President stated that based on the discussion by the commissioners concerning the topic, it was her opinion there was interest in pursuing the objective and that she would appoint a committee to report back at the next meeting with its recommendations on the best way to proceed.

**12. RULE III APPLICATIONS**

The President stated that applications had been received from Leslie Ann Allen (GA), Jonah Stephen Dickey (VA), Charles Henry McAleer (GA), and Michael Earl Phillips (MS) for admission by motion pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. She stated that each candidate had met all of the requirements including character and fitness for consideration for admission pursuant to Rule III.

COMMISSIONER CROW MOVED TO ADMIT LESLIE ANN ALLEN, JONAH STEPHEN DICKEY, CHARLES HENRY MCALEER AND MICHAEL EARL PHILLIPS PURSUANT TO RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**13. ALABAMA TAX APPEALS COMMISSION LEGISLATION**

The President reminded the commission that the main aspect of this proposed legislation was to remove tax appeals from the revenue department to an independent tax appeals commission. She noted that this was included in legislation supported by the commission on several previous occasions. She reminded the commission that Mr. Bruce Ely had spoken at the last meeting and provided an extensive memo detailing the major aspects of the legislation supported by the Tax Section.

COMMISSIONER RYAN MOVED TO APPROVE THE TAX SECTION'S ENDORSMENT OF THE LEGISLATION TO BE INTRODUCED CREATING AN ALABAMA TAX APPEALS COMMISSION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**14. APPROVAL OF THE 2011 LEADERSHIP FORUM CLASS**

President Spruell recognized Rebecca DePalma for the presentation of the 2011 Leadership Class. The candidates and alternates were as follows:

Desiree Celeste Alexander  
 Marc James Ayers  
 Matthews Yan Beam  
 Chester M. Bedsole  
 Jeffery Adrian Brown, Jr.  
 Angela Catherine Cameron  
 Hope Thai Cannon  
 Jennifer Hoover Clark  
 Christian Michael Comer  
 David Jackson Conner  
 John Anthony DeMarco  
 Kira Yalon Fonteneau  
 Vincent John Graffeo  
 Dana Jo Grimes  
 Stephen Hamilton Hall  
 Kelvin William Howard  
 Mary Annette Irons-Parker  
 Tiffany Nichelle Johnson  
 David Lee Johnston, Jr.  
 Clark Arnold Lanham  
 Elizabeth Haney Mills  
 George Edwin Newton II  
 Candace Brannen Peeples  
 Larkin Hatchett Peters  
 Sherrie Lynn Phillips  
 Chirayu Madhu Shah  
 Janine Louise Smith  
 Allison Suzanne Taylor  
 Jeremy Patrick Taylor  
 Christopher James Williams  
 Benjamin Shaw Goldman, Alternate  
 Sela Stroud Blanton, Alternate  
 John Allen Brinkley, Jr., Alternate  
 Charles Price, II, Alternate

COMMISSIONER CROW MOVED THE APPROVAL OF THE LIST OF CANDIDATES AND ALTERNATES FOR THE 2011 LEADERSHIP FORUM CLASS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Spruell thanked Ms. DePalma, the leadership forum alumni and the selection committee for their outstanding work.

**15. LEADERSHIP FORUM BUDGET**

President Spruell recognized Commissioner Raleigh who discussed the need to increase the current bar stipend from \$25,000 to \$30,000. He noted that the \$30,000 stipend would constitute 52 percent of the leadership forum budget with 48 percent being covered through tuition, donations and other sources. Commissioner Raleigh stated that for future budget planning, he would suggest that the stipend be maintained at \$30,000 for at least the 2012 and 2013 as well.

COMMISSIONER RALEIGH MOVED THE APPROVAL OF THE 2011 LEADERSHIP FORUM BUDGET IN THE AMOUNT OF \$30,000. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**16. APPOINTMENT OF GREG HAWLEY AS EDITOR OF THE ALABAMA LAWYER**

President Spruell stated that Greg Hawley had been asked to serve as the next editor of *The Alabama Lawyer* magazine and that he willingly consented to serve.

COMMISSIONER BEDSOLE MOVED THE APPOINTMENT OF GREG HAWLEY AS EDITOR OF *THE ALABAMA LAWYER* MAGAZINE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**17. LEGISLATIVE COUNSEL CONTRACT**

President Spruell stated that the bar's legislative counsel (Kim Adams and Suzi Edwards) are paid a total of \$22,800 a year for their services. She stated that because of recent changes in the legislature and an anticipated increased work load, it was recommended that the amount for legislative counsel be increased by \$3,200 to \$26,000 for 2011.

COMMISSIONER WHITE MOVED TO APPROVE THE SUM OF \$26,000 FOR LEGISLATIVE COUNSEL FOR 2011. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

**18. LOCAL LAWYER RECOGNITION**

President Spruell recognized Linda Lund of the Volunteer Lawyers Program who proposed the following resolution for adoption by the commission.

WHEREAS, the Alabama Department of Human Resources has over 7,500 children in custody and their cases require numerous court hearings to comply with state and federal laws; and

WHEREAS, over 350 attorneys throughout Alabama represent the Department and these children everyday at a limited reimbursement rate \$50 per hour out of court and \$70 per hour in court, many not billing the Department for many hours they devote to handling these cases; and

WHEREAS, the Department of Human Resources recognizes these attorneys who work diligently everyday to help Alabama's children and families in need making a significant contribution to their state and their profession; and

WHEREAS, lawyers are members of a self-regulating profession that is vital to the integrity of the justice system, bearing special responsibilities to help ensure that those of limited financial means and other vulnerable and under-represented populations are not excluded from the justice system because of their inability to pay for legal assistance; and

NOW, THEREFORE BE IT RESOLVED that the Alabama State Bar Board of Bar Commissioners recognizes and commends the many attorneys who work with and assist the Department of Human Resources including Elbert Hawkins Parsons, Jr., Charles William Cochran, III, William Tipton Johnson, Jr., Francis Marion James, III, Walter Gregory Ward, Margaret Ann Mayfield, Clark Everett Johnson, III, Alfred Jude Danner, Charles P. Gaines, Andrew Michael Onderdonk, Jack Allen Blumenfeld and Albert Leo Shumaker.

**19. ADJOURNMENT**

President Spruell 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.

---

Alyce M. Spruell, President  
Alabama State Bar

ATTEST:

---

Keith B. Norman, Secretary  
Alabama State Bar