

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Building
Montgomery, Alabama

Friday, May 4, 2012

1. CALL TO ORDER

President Pratt 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 Bedsole gave the invocation.

2. REMARKS OF MIKE HUBBARD, SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES

President Pratt introduced Speaker Hubbard to the commission. The Speaker expressed his appreciation for the bar's third party neutral program which he noted had played a valuable role in the legislative process. The Speaker described the current regular session as a success with its main focus on job creation. He informed the commission issues remained including how to handle funding for the General Fund. He explained the rolling reserve concept for the Special Education Trust Fund and stated that it is fine, but lamented that the General Fund does not have enough income from the taxes it receives to pay for the programs and agencies which it must fund. He mentioned the court funding crisis and Medicaid and their funding difficulties and explained that the legislature was trying to arrive at a solution for developing a growth source for the General Fund which would alleviate funding problems that the General Fund has experienced for many years. The speaker mentioned the upcoming redistricting legislation that would be handled in a special session and discussed immigration legislation that would revise HB 56.

Following his remarks, the Speaker entertained questions from the members of the commission. Following those questions and answers, President Pratt thanked the Speaker for addressing the commission. The commission gave Speaker Hubbard a rousing ovation.

President Pratt recognized President-elect Designate and former long time commissioner Anthony Joseph who received a warm welcome from the commission.

3. ROLL CALL

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

Ronnie E. Keahey

Cleve Poole

Christy Crow

Robert Simms Thompson

Terri O. Tompkins

Hays Webb

William H. Broome	Phil D. Mitchell	Leslie R. Barineau
S. Greg Burge	Jack Neal	Robert G. Methvin, Jr.
Augusta S. Dowd	Joseph A. Fawal	Henry A. Callaway, III
Billy C. Bedsole	Juan Ortega	Harry V. Satterwhite
J. Flynn Mozingo	Cole Portis	Jeffery C. Duffey
David A. McDowell	Hamp Baxley	John L. Jernigan, III
John M. Peek	Harold Stephens	L. Thomas Ryan, Jr.
Richard J.R. Raleigh, Jr.	J. Dale Lawrence, Jr.	R. Wyatt Howell
Samuel W. Irby	Elizabeth Parsons	Braxton W. Ashe
Jason P. Knight	Rebecca Green Thomason	J. Milton Coxwell, Jr.
H. Jerome Thompson	Gregory M. Varner	Walter E. McGowan
Meredith S. Peters	Alicia F. Bennett	LaBarron Boone
Monet M. Gaines	Ashley E. Swink	

The following commissioners were absent:

J. Garrison Thompson	Rocky Watson	Teresa G. Minor
Robert E. Moorer	Derrick A. Mills	William A. (Pete) Short
Albert J. Trousdale, II	Richard W. Whittaker	Walter H. Honeycutt
James R. Beard	Frank M. Wilson	Les Pittman
Lee H. Copeland	F. Michael Haney	K. Scott Stapp
William Randall May	Julia C. Kimbrough	Kenneth E. White, III
Jerry Wayne Baker, Jr.	Allan Chason	Robert L. Rumsey
Robert W. Pierce	Don Word	John M. Plunk
Alexander M. Smith	Claude E. Hundley, III	Merceria Ludgood
David K. Howard		

President-elect Phillip McCallum and Immediate Past President Alyce Spruell were in attendance. Staff members present included Tony McLain, Laura Calloway, Linda Lund, Brad Carr, Diane Locke, Mark Moody, Mary Frances Garner, Christina Butler and Margaret Murphy. Also in attendance was Tracy Daniel, director of the Alabama Law Foundation, Judy Keegan, director of the Alabama Center for Dispute Resolution and Suzi Edwards, legislative counsel.

4. APPROVAL OF THE MINUTES OF MARCH 30, 2012 ALABAMA STATE BAR BOARD OF COMMISSIONERS MEETING

President Pratt stated that the minutes of the March 30, 2012 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 FAWAL MOVED TO APPROVE THE MINUTES OF THE MARCH 30, 2012 BOARD MEETING. THE MOTION WAS SECONDED AND APPROVED UNANIMOUSLY BY VOICE VOTE.

5. **PRESIDENT'S REPORT**

President Pratt expressed condolences to the family of Jeanne Marie Leslie on her death. He expressed to the commission his sincere appreciation to David Wooldridge, Squire Gwin and Eason Mitchell for their help with the Lawyers Assistance Program during Jeanne Marie's illness.

President Pratt reported on the Leadership Forum held in Auburn and reported to the commission that this year's class would have its graduation in Birmingham later in the month. He discussed the self-regulation bill pending in the legislature and he thanked Kristi Skipper for her court cost analysis work. President Pratt then explained the progress of the court cost bill. He recognized the Director of the Administrative Office of Courts and Immediate Past President Alyce Spruell for a report. Past President Spruell informed the commission that two-thirds of the proposed increase of the court cost bill would go to the unified judicial system while the remaining one-third would be directed to the presiding circuit judge and the circuit clerk of each circuit. She expressed appreciation for the support the bill has received thus far to move the bill through the legislative process. She noted that there was still a ways to go to get it through the state senate. President Pratt thanked Past President Spruell for her dedication to help keep the judicial system functioning.

President Pratt announced the members of the Nominating Committee. They were Commissioners Bedsole (chair), Bennett and Howard. He stated that the Election Committee would be Commissioners Copeland, Gaines and Mozingo. President Pratt then recognized each of the retiring commissioners and allowed those who were present an opportunity to make remarks. Retiring commissioners are:

Cleve Poole – 2nd Judicial Circuit

J. Garrison Thompson – 4th Judicial Circuit

Robert E. Moorer – 10th Judicial Circuit, Place 8

Richard W. Whittaker – 12th Judicial Circuit

F. Michael Haney – 16th Judicial Circuit

L. Thomas Ryan, Jr. – 23rd Judicial Circuit, Place 2

J. Dale Lawrence, Jr. – 24th Judicial Circuit

Don Word – 38th Judicial Circuit

Walter E. McGowan – At-Large Commissioner, Place 1

Merceria Ludgood – At-Large Commissioner, Place 4

David K. Howard – At-Large Commissioner, Place 7

The retiring commissioners were warmly thanked by the other members of the commission.

6. PRESIDENT-ELECT REPORT

President-elect McCallum congratulated President Pratt on his confirmation as a member of the Board of Trustees for Auburn University and presented him with an appropriate piece of artwork to commemorate the occasion.

7. SECRETARY'S REPORT

The Secretary reviewed the second quarter statement and asked the commission if there were any questions. There were none.

8. REGULATORY PROGRAMS REPORT

Angela Parks, Director of Regulatory Programs, reported that the Alabama Supreme Court had approved the amendments to the MCLE rules and regulations except the gap rule. Commissioner Stephens was recognized. He stated that Ms. Parks had done an excellent job working with the MCLE Commission to revise the necessary change to modernize the MCLE rules and that she deserved the commission's appreciation for her efforts. The commission gave Ms. Parks a round of applause.

9. SERVICE PROGRAMS REPORT

Laura Calloway, Director of Service Programs reported on the search for a new director for the Lawyers Assistance Program. She noted that the program is operating thanks to the efforts of program staff members Shannon Knight and Sandra Dossett along with the members of the Lawyers Helping Lawyers Committee who have all proved invaluable in keeping the program operational.

10. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Tony McLain reported that Yvette Williams had been hired as a full time Client Security Fund Assistant and would be working with Laurie Blazer.

11. RULE III APPLICATIONS

President Pratt stated that applications from Daniel Brian Allen (MS), Lisa Karen Atkins (TN), Tom Anthony Bingham (GA) and Brie Lacour Brown Buchanan (GA) had been received. He noted that all applicants meet the requirements of Rule III of the *Rules Governing Admission to the Alabama State Bar* as well as satisfy all character and fitness requirements.

COMMISSIONER RALEIGH MOVED THE ADMISSION OF DANIEL BRIAN ALLEN (MS), LISA KAREN ATKINS (TN), TOM ANTHONY BINGHAM (GA) AND BRIE LACOUR BROWN BUCHANAN (GA) PURSUANT TO RULE III. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

12. AMENDMENTS TO RULE 4.2 AND 1.15A OF THE ALABAMA RULES OF PROFESSIONAL CONDUCT

President Pratt recognized General Counsel Tony McLain to answer any questions about the proposed rule changes. Mr. McLain stated that after the previous meeting, it was determined that proposed changes to Rule 1.16 would be unnecessary in light of Rule 1.15A dealing with trust accounts.

COMMISSIONER STEPHENS MOVED THE ADOPTION OF THE AMENDMENTS TO RULE 4.2 OF THE RULES OF PROFESSIONAL CONDUCT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE. COMMISSIONER BEDSOLE NEXT MOVED THE ADOPTION OF RULE 1.15A OF THE ALABAMA RULES OF PROFESSIONAL CONDUCT. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

(A copy of these changes to the Rules of Professional Conduct as approved are included with these minutes as Appendix A).

13. JUDICIAL AWARD OF MERIT

President Pratt reported that the Judicial Conference Committee had recommended Circuit Judge Ben McLaughlin to receive the Alabama State Bar Judicial Award of Merit for 2012.

COMMISSIONER BEDSOLE MOVED TO APPROVE THE COMMITTEE'S RECOMMENDATION OF CIRCUIT JUDGE BEN MCLAUHLIN AS THE RECIPIENT OF THE JUDICIAL AWARD OF MERIT FOR 2012. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

14. ELECTION OF AT-LARGE COMMISSIONERS

President Pratt informed the commission that the bar had received applications from 10 people for the three available at-large commissioner positions. He stated that as provided under the election rules, the Executive Committee was recommending the names of three individuals to fill those positions. They were Diandra S. DeBrosse, Rebecca G. DePalma and Jeanne Dowdle Rasco. He stated that the floor would be open for nominations from any of the 10 individuals who had submitted applications as required under the election rules. Commissioner Mitchell nominated Julia Smeds Roth.

PRESIDENT PRATT ASKED IF THERE WERE ANY OTHER NOMINATIONS AND COMMISSIONER RALEIGH MOVED THAT THE NOMINATIONS BE CLOSED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Pratt then invited comments by commissioners for each of the nominees. Following the comments on each of the nominees, President Pratt instructed the commission on the voting procedure. He stated that each commissioner would have three votes to vote for three candidates and this would be done by a showing of hands as he announced each candidate.

PRESIDENT PRATT ANNOUNCED EACH OF THE FOUR CANDIDATES: DIANDRA S. DEBROSSE, REBECCA G. DEPALMA, JEANNE DOWDLE RASCO AND JULIA SMEDS ROTH AND ASKED FOR A SHOW OF HANDS FOR EACH CANDIDATE. FOLLOWING THE VOTE, PRESIDENT PRATT ANNOUNCED THAT DIANDRA S. DEBROSSE, REBECCA G. DEPALMA AND JEANNE DOWDLE RASCO WERE THE THREE CANDIDATES WHO RECEIVED THE MOST VOTES AND WERE ELECTED AS AT-LARGE COMMISSIONERS.

15. ADJOURNMENT

President Pratt 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.

James R. Pratt, III, President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar