

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

Heflin-Torbert Judicial Building
Montgomery, Alabama

Friday, April 11, 2008

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 classroom on the mezzanine level of the Heflin-Torbert Judicial Building in Montgomery, Alabama. President-elect Mark White gave an inspirational presentation and invocation.

2. WELCOME OF GUESTS

The President introduced Tom Methvin, president-elect designate. Commissioner Fawal introduced three guests from the Birmingham School of Law, Rachel Hartsell, Dustin Paseur and Angela Parker. Commissioner Thompson introduced Valerie Chittom, president of the Dallas County Bar Association and Commissioner Strawbridge introduced his father, Ronnie Strawbridge, president of the Lamar County Bar Association. President Crosby welcomed Bill Blanchard, president of the Alabama Criminal Defense Lawyers Association.

3. ROLL CALL

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

Ronnie E. Keahey	Christy Crowe	J. Garrison Thompson
Cooper Shattuck	Alyce Spruell	John Gruenewald
Nicholas B. Roth	W. N. (Rocky) Watson	S. Greg Burge
Jack Neal	Phillip W. McCallum	Greg Hawley
Maibeth J. Porter	Joseph A. Fawal	Jim Pratt
William A. (Pete) Short	Albert J. Trousdale, II	Richard W. Whittaker
Billy C. Bedsole	Juan Ortega	Mary Margaret Bailey
James R. Beaird	Les Hayes, III	James H. Anderson
Sim Penton	F. Michael Haney	K. Scott Stapp
John E. Medaris	Joseph A. Morris	Thomas B. Albritton
Harold Stephens	L. Thomas Ryan	Ronald A. Strawbridge, Jr.
R. Wyatt Howell	Kenneth E. White, III	John C. Gullahorn
Allan Chason	Tut Wynne	Robert L. Rumsey
Elizabeth Parsons	John M. Kennemer	Roger Bedford, Jr.
Robert T. Meadows, III	Gerald R. Paulk	Jere C. Trent
David F. Law	Wayman Sherrer	Claude E. Hundley, III
Deborah Byrd Walker	Merceria Ludgood	Alicia F. Bennett
Pamela H. Bucy	Kesa Johnston	Kelly T. Lee
Donald R. Jones, Jr.	Cole Portis	

The following Commissioners were absent:

Michael E. Jones	Randall S. Haynes	Anthony A. Joseph
Robert E. Moorer	Michael D. Knight	William M. Cunningham
David T. Hyde, Jr.	Richard J.R. Raleigh, Jr.	Lee H. Copeland
Robert L. Bowers, Jr.	Everette A. Price, Jr.	Kyra Sparks
Jason P. Knight	Robert H. Brogden	
Timothy T. Littrell	Walter E. McGowan	

Also in attendance was President-elect Mark White. Staff members present included Tony McLain, Ed Patterson, Anita Hamlett, Laura Calloway, Linda Lund, Jeremy McIntire and Jeanne Marie Leslie. Also in attendance was Tracy Daniel, Executive Director of the Alabama Law Foundation.

4. APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR JANUARY 25, 2008

President Crosby stated that the minutes of the Board of Commissioners meeting for January 25, 2008 had been disseminated 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 JANUARY 25, 2008. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

5. REMARKS BY HONORABLE BILL DRESSEL, EXECUTIVE DIRECTOR OF THE NATIONAL JUDICIAL COLLEGE, RENO, NEVADA

Commissioner Chason introduced Judge Bill Dressel who gave an in depth review of the history and work of the National Judicial College. He recognized the efforts of the state bar in its scholarship program headed by Teresa Minor and Tom Warburton who were present. He concluded his remarks by recommending that the state bar continue the judicial scholarships as an on-going program. President Crosby expressed his appreciation and that of the commission for Judge Dressel's remarks and for attending the commissioners' meeting.

6. PUBLIC REPRIMANDS

6.1. Rodger Keith Brannum, Birmingham, ASB 05-266 (A)

Mr. Brannum entered a conditional guilty plea and received a public reprimand without general publication for violating Rules 1.1, 1.3, 1.4(a), 1.6(d), 8.1(a), 8.4(c), 8.4(g) of the *Alabama Rules of Professional Conduct [ARPC]*.

6.2 Robert E. McDonald, Jr., Mobile, ASB 06-127(A)

Mr. McDonald entered a conditional guilty plea and received a public reprimand without general publication for violating Rules 1.7(a) and 8.4(a) of ARPC.

6.3 Edward Eugene May, Bessemer, ASB 06-174(A)

Mr. May received a public reprimand with general publication for violating Rules 1.15(a) and 8.4(a) of ARPC.

6.4 Calvin Biggers, Bessemer, ASB 07-81(A)

Mr. Biggers received a public reprimand with general publication for violating Rule 3.10 of ARPC.

7. PRESIDENT'S REPORT

President Crosby informed the commission that he, the president-elect, the secretary and the general counsel had met with lawyer-legislators the day before to discuss the mediator confidentiality bill and the bill requiring minimum experience requirement for all state judges. He also spoke positively about the Professionalism Consortium held at Cumberland Law School in February and discussed his attendance at the Minority Pre-Law Conference at Birmingham Southern sponsored by the Young Lawyers' Section. He attended the dedication of the Albert and Martha Brewer Plaza at Cumberland Law School and reported on the significant impact of the new mandatory IOLTA and comparability rule. Finally, President Crosby thanked those who wrote articles for the Lawyers Serving Communities program.

8. SECRETARY'S REPORT

The Secretary stated that the Mobile Bar had forwarded two memorial resolutions honoring Rae M. Crowe and N. Q. Adams.

COMMISSIONER BEDSOLE MOVED TO PLACE THE RESOLUTIONS MEMORIALIZING RAE M. CROWE AND N. Q. ADAMS IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The Secretary next reminded the commission about the First Annual Bill Scruggs Memorial Sporting Clay Shoot scheduled for Saturday, April 19, 2008. Commissioner Watson gave a brief overview of the charity event titled "Shoot Down Cancer."

9. PROGRAMS REPORT

There was no programs report.

10. OFFICE OF GENERAL COUNSEL REPORT

General Counsel Tony McLain reported on the recent decision of the Alabama Supreme Court in the Dubose case.

11. ALA REFERRAL PROGRAM REPORT

President Crosby recognized George Parker, president of the Young Lawyers' Section, Joe Hubbard, committee member and Laura Calloway, director of P-MAP. Mr. Parker reported on the program on behalf of the committee chair, Sandy Speakman, who was unable to attend. He discussed the nature of the program and an overview of program operations. Mr. Parker stated that the committee had worked very closely with the Legal Administrators Association and the bar's P-MAP program to implement a referral network for lawyers who have been in practice five years or less and who are principally solo practitioners or members of small firms. The program will be launched in June.

President Crosby thanked the committee for its hard work in ironing out the details for this program.

12. WILLS FOR HEROES

President Crosby recognized, in particular, Commissioners Ryan and Morris for their work in helping facilitate the Wills for Heroes programs in Huntsville and Dothan, respectively. The President thanked Linda Lund for her efforts and asked her to give a program report. Mrs. Lund discussed the program and stated that many lawyer volunteers had assisted statewide. She discussed the development of the program and how it operated including donations that allowed the purchase of 12 laptop computers and printers for use by the Wills for Heroes teams. She stated that the Alabama Paralegal Association had played an instrumental role in making the program successful and that it was hoped that 800 first responders will have received wills, powers of attorney, and advanced healthcare directives by July. Mrs. Lund noted the great news coverage and publicity for the clinics that have been held in each city so far and encouraged members of the Board of Commissioners to volunteer to assist with the clinics when they come to their area. She also reported that for the rural areas where clinics are impractical, individual attorneys would soon be able to access appropriate forms on the bar's Web site to assist first responders in their areas.

Commissioner Ryan spoke about the clinic held in Huntsville and the on-going work being done by 65 attorneys in that area on behalf of the program.

President Crosby thanked Commissioners Ryan and Morris and Mrs. Lund for a very favorable report.

13. REPORT ON THE JUDICIAL INQUIRY COMMISSION BY VICE CHAIRMAN NORMAN WALDROP

President Crosby called on Norman Waldrop, vice chair of the Judicial Inquiry Commission to give a report. Mr. Waldrop gave an overview of the commission's procedures when investigating complaints against judges and enforcing of the Judicial Canons of Ethics. He also highlighted the fact that the commission gives advisory opinions to judges when requested.

President Crosby thanked Mr. Waldrop for his report and the work of the commission.

14. OFFICE OF ADMINISTRATIVE HEARINGS LEGISLATION (H.B. 715)

President Crosby called on Courtney Williams, chairman of the Tax Law Section and Mr. Bruce Ely, a member of that section to discuss the administrative hearing legislation. Mr. Ely noted that efforts had been underway for many years to remove the tax court from the Department of Revenue. He noted that the Board of Bar Commissioners had gone on record on three previous occasions supporting legislation to restructure the tax court. He stated that Representative John Knight had introduced House Bill 715 which encompasses what the section had sought—an independent court of tax appeals. He reported that the proposed legislation would set up administrative law judges under the executive branch but that the legislation needs work to conform it to past bills supported by the section and the commission. He asked the commission to support the concept of the independent tax court as envisioned under House Bill 715 with appropriate amendments to make this proposed legislation accomplish what had been recommended in the past.

President Crosby thanked Mr. Williams and Mr. Ely for their report.

COMMISSIONER BEDSOLE MOVED TO SUSPEND THE RULES IN ORDER TO SUPPORT THE TAX LAW SECTION RECOMMENDATION REGARDING HOUSE BILL 715 CREATING THE OFFICE OF ADMINISTRATIVE HEARINGS. THE MOTION WAS SECONDED.

PRESIDENT CROSBY ASKED THE COMMISSION'S PLEASURE ON THE MOTION TO SUSPEND THE RULES. THE MOTION TO SUSPEND WAS APPROVED BY THE NECESSARY TWO THIRDS VOTES.

COMMISSIONER SPRUELL OFFERED A MOTION TO SUPPORT THE TAX LAW SECTION'S RECOMMENDATION IN FAVOR OF HOUSE BILL 715 WITH APPROPRIATE AMENDMENTS. THE MOTION WAS SECONDED AND APPROVED.

15. ABA HOUSE OF DELEGATES POSITIONS

The President stated that Wade Baxley and William T. Coplin, Jr. had indicated an interest in continuing as members of the House of Delegates for the American Bar Association. He stated that it would be an action item at the next meeting. Any other nominations could be made at that time.

16. CONSIDERATION OF RULE III APPLICATIONS

The President stated that the bar had received applications from a number of lawyers seeking admission pursuant to Rule III of the *Rules Governing Admission to the Alabama State Bar*. They were George W. Carlis, Tennessee; Juliet V. Crawford, Georgia; Barr D. Younker, Jr., Oklahoma; and James Read Holland, II, Georgia. He stated that each of the candidates had met all of admissions criteria including character and fitness requirements.

COMMISSIONER PRATT MOVED THAT GEORGE W. CARLIS, JULIET V. CRAWFORD, BARR D. YOUNKER AND JAMES READ HOLLAND, II BE ADMITTED UNDER RULE III OF THE *RULES GOVERNING ADMISSION TO THE ALABAMA STATE BAR*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. LEGAL SERVICES ALABAMA BOARD OF DIRECTORS EXPIRATION OF TERMS FOR LINDA HENDERSON, JUANITA SALES LEE AND BOBBY SEGALL

President Crosby stated that the terms for Linda Henderson, Juanita Sales Lee and Bobby Segall had expired. He stated that each had indicated a willingness to serve another term if reappointed.

COMMISSIONER SPRUELL MOVED THE RE-ELECTION OF LINDA HENDERSON, JUANITA SALES LEE AND BOBBY SEGALL AS DIRECTORS OF LEGAL SERVICES ALABAMA. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

18. LAWYERS SERVING COMMUNITIES RESOLUTION

President Crosby offered the following resolution.

WHEREAS the Alabama State Bar seeks to inculcate in its members that the privilege of the practice of law is predicated on providing service to the community as well as the profession;

WHEREAS the motto of the Alabama State Bar is “Lawyers Render Service,” ;

WHEREAS the Alabama State Bar created a program known as “Lawyers Serving Communities” to recognize the good work that lawyers and judges do everyday without seeking accolades or fame;

WHEREAS the Lawyers Serving Communities project has brought to the public’s attention the good works of members of the Alabama State Bar and the judiciary as well as a better understanding and appreciation for the work of the organized bar;

NOW, THEREFORE, BE IT RESOLVED that the Board of Bar Commissioners does formally recognize and state its appreciation to the law firm of Bradley, Arant, Rose & White, Commissioners Harold Stephens and Alyce Spruell, Scotty Colson, Dr. Jim Vickrey, Joi Scardo and Alexis Dollar, for their efforts and guidance in making this project successful.

COMMISSIONER GRUENEWALD MOVED THE ADOPTION OF THE RESOLUTION AS PRESENTED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

19. REAPPOINTMENT OF EDGAR C. GENTLE, DAVID G. HYMER, DANIEL JOHNSON AND WARREN MATTHEWS AS MEMBERS OF THE BOARD OF BAR EXAMINERS

The President stated that the terms of Edgar C. Gentle, David G. Hymer, Daniel Johnson and Warren Matthews as members of the Board of Bar Examiners had expired. He stated that each had indicated a willingness to serve another four-year term if reappointed.

COMMISSIONER HAWLEY MOVED THE REAPPOINTMENT OF EDGAR C. GENTLE, DAVID G. HYMER, DANIEL JOHNSON AND WARREN MATTHEWS TO FOUR-YEAR TERMS COMMENCING WITH THE JULY 2008 BAR EXAMINATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

20. COREVAULT MEMBER BENEFIT PROGRAM APPROVED

President Crosby stated that this proposed member benefit was discussed in detail at the last meeting. Corevault would provide an on-line backup service for law firms and solo practitioners.

COMMISSIONER BEDSOLE MOVED THE APPROVAL OF COREVAULT DATA SERVICES AS A MEMBER BENEFIT FOR ALABAMA STATE BAR MEMBERS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. 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

