

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Headquarters
Montgomery, Alabama

Friday, May 18, 2007

1. CALL TO ORDER

President Boots Gale 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 Harold Stephens 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	Louis C. Rutland
J. Garrison Thompson	Oliver Kitchens	Cooper Shattuck
Alyce M. Spruell	William H. Broome	S. Greg Burge
Jack Neal	Phillip W. McCallum	Greg Hawley
Maibeth J. Porter	Joseph A Fawal	Robert E. Mooror
William A. (Pete) Short	Richard Whittaker	Michael D. Knight
William M. Cunningham	Cecilia J. Collins	Mary Margaret Bailey
James H. Anderson	Sim Penton	Lee Copeland
F. Michael Haney	K. Scott Stapp	John E. Medaris
Robert L. Bowers, Jr.	Joseph A. Morris	Thomas B. Albritton
Harold Stephens	L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.
Ronald H. Strawbridge, Jr.	Kenneth E. White, III	John C. Gullahorn
Allan Chason	Elizabeth Parsons	John M. Kennemer
Roger Bedford, Jr.	David T. Hyde, Jr.	Robert T. Meadows, III
Gerald R. Paulk	Jere C. Trent	Alicia Bennett
Kyra Sparks	Pamela H. Bucy	Kelly T. Lee
Jim Pratt		

The following Commissioners were absent:

Nicholas B. Roth	W. N. (Rocky) Watson	Anthony A. Joseph
Albert J. Trousdale, II	Billy C. Bedsole	Charles R. Stephens, Sr.
Les Hayes, III	Donald R. Jones, Jr.	Thomas J. Methvin
Everette A. Price, Jr.	William H. Atkinson	Tut Wynne
Robert L. Rumsey	Roy W. Williams, Jr.	Robert H. Brogden
Timothy D. Littrell	David F. Law	Wayman Sherrer
Walter E. McGowan	Claude E. Hundley, III	Deborah Byrd Walker
Merceria Ludgood	Dawn Wiggins Hare	

Also in attendance were President-elect Sam Crosby and Immediate Past President Bobby Segall. Staff members present included Tony McLain, Ed Patterson, Brad Carr, Laura Calloway, Linda Lund, Robby Lusk, Jeremy McIntire, Anita Hamlett, Sam Partridge, Jeanne Marie Leslie and Andy Brindley. Also in attendance was Judy Keegan of the Alabama Center for Dispute Resolution.

3. **INTRODUCTION OF GUESTS**

The following guests were in attendance: Kelly McGriff, President of the Baldwin County Bar Association; Glenn Padgett, President of the Choctaw County Bar Association and Pete McInish, President of the Houston County Bar Association.

4. **APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR APRIL 6, 2007.**

President Gale stated that the minutes of the Board of Commissioners meeting for April 6, 2007 had been disseminated to the Board. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER ALBRITTON MOVED TO APPROVE THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR APRIL 6, 2007. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

5. **PUBLIC REPRIMANDS**

5.1 **Stephanie Willis Guthrie, Jefferson County, ASB 03-264(A)**

Ms. Guthrie entered a conditional guilty plea and received a public reprimand without general publication for violation of Rule 1.3 and 1.4(a) of the *Alabama Rules of Professional Conduct [ARPC]*.

5.2. **Richard Leslie Jones, Jefferson County, ASB 05-236(A)**

Mr. Jones received a public reprimand without general publication for violation of Rules 8.1(a), 8.1(b), 8.4(c) and 8.4(g) of *ARPC*.

5.3. **Albert Clarence Bulls, III, Macon County, ASB 06-080(A)**

Mr. Bulls received a public reprimand with general publication for violation of Rules 1.2(a), 1.3, 1.4(a), 1.4(b), 1.15(b), 1.16(a) and 8.4(a) of *ARPC*.

6. PRESIDENT'S REPORT

President Gale recognized the graduates of the 2007 Leadership Forum. Those graduating were as follows: Shawn Tavel Alves, Reed Robertson Bates, David Lee Brown Jr., Joel Edward Brown, Laura Gibson Chain, Christina Diane Crow, Leatha Kay Gilbert, Nicholas Christian Glenos, Carol Paige Goldman, Wilson Franklin Green, Gregory Scott Griggers, Frederick George Helmsing Jr., Elizabeth Anne Sikes Hornsby, Edward Andrew Hosp, Robert Brent Irby, William Lovard Lee IV, William Richard Lunsford, Emily Coody Marks, Marshall Clay Martin, Timothy Benson McCool, Juan Carlos Ortega, George Robert Parker, Kimberly Till Powell, Sandra Beth Reiss, Braxton Paul Sherling, Ronald Howard Strawbridge Jr., Paige Huddleston Sykes, Melton Chad Tindol, William Bernhart Wahlheim Jr. and Lane Hines Woodke.

As a member of the Leadership Forum class, Commissioner Strawbridge made comments on behalf of the class complimenting, in particular, Director of Programs Ed Patterson and noting that the members of the 2007 class have provided a \$1000 scholarship for the 2008 class.

President Gale reported that the Elections Committee would consist of Commissioners Anderson, Penton and Lee. He also stated that the Nominating Committee would be chaired by Commissioner Paulk and assisted by Commissioners Joseph and Bailey.

7. SECRETARY'S REPORT

The Secretary reported on the commissioners' races noting the deadline for ballots would be May 25, 2007 with the run-off deadline of June 29, 2007. He also highlighted the bar exam statistics for February 2007. The Secretary reviewed the financial report for the second quarter. He concluded his remarks by reminding commissioners of the special June 8th meeting and the Hall of Fame Induction Ceremony following the meeting.

8. COMMUNICATIONS UPDATE

Communications Director Brad Carr gave a report on the annual meeting.

9. PROGRAMS UPDATE

Programs Director Ed Patterson informed the commission that the Judicial Scholarship Fund had raised \$88,000. He noted that 42 judges would qualify for National Judicial College training this year although no more than 15 judges from a state can attend in a single year. He thanked Teresa Minor and the subcommittee for their hard work in helping raise money for the scholarship fund.

10. GENERAL COUNSEL'S REPORT

General Counsel Tony McLain stated that the proposed advertising rule changes would be presented at the July meeting. They would be presented by Honorable Ralph Cook, vice chair of the Disciplinary Rules and Enforcement Committee. He also gave a brief update on the indigent defense litigation.

11. VACANCY ON THE COURT OF JUDICIARY

President Gale reported that the term of the Honorable John Denson had expired. He stated that Judge Denson had originally been appointed by the Board of Bar Commissioners before his election as a judge. He further noted that Judge Denson had indicated he would continue to serve if re-elected by the commission.

COMMISSIONER ANDERSON MOVED TO SUSPEND THE RULES SO THAT THE MATTER COULD BE CONSIDERED AS AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER ANDERSON THEN MOVED THE RE-ELECTION OF THE HONORABLE JOHN V. DENSON TO THE ALABAMA COURT OF JUDICIARY. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

12. VLP MEDIATION AWARD

Commissioner Bucy stated that the Access to Legal Services Committee recommended the creation of a VLP Mediation Award which would join the three other awards made by the committee. She stated that this award would be given to the mediator who has done significant work during the year.

A MOTION WAS MADE BY COMMISSIONER RALEIGH TO SUSPEND THE RULES TO ALLOW THE MATTER TO BE CONSIDERED AS AN ACTION ITEM. THE MOTION WAS SECONDED AND APPROVED BY THE NECESSARY TWO-THIRDS VOTE.

COMMISSIONER BEDFORD MOVED TO APPROVE THE CREATION OF A VLP MEDIATION AWARD. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

13. 2007 AWARD OF MERIT

President Gale stated that Judge Bill Gordon, Judy Belk and Judge Harold Murphy of the United States District Court in Rome, Georgia had been nominated to receive the Alabama State Bar Award of Merit.

COMMISSIONER RALEIGH MADE A MOTION TO APPROVE THE HONORABLE WILLIAM R. GORDON, JUDY BELK AND THE HONORABLE HAROLD MURPHY AS RECIPIENTS OF THE ALABAMA STATE BAR AWARD OF MERIT FOR 2007. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

14. 2007 JUDICIAL AWARD OF MERIT

President Gale stated that the Judicial Conference Committee had unanimously recommended that Judge Randall L. Cole of the 9th Judicial Circuit receive the Judicial Award of Merit for 2007.

COMMISSIONER BROOME MOVED THAT THE HONORABLE RANDALL L. COLE OF THE 9TH JUDICIAL CIRCUIT RECEIVE THE ALABAMA STATE BAR JUDICIAL AWARD OF MERIT FOR 2007. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

15. SELECTION OF AT-LARGE COMMISSIONERS

President Gale informed the commission that the following individuals had filed applications for the three available at-large positions: Alicia F. Bennett, LaBarron Boone, Jeffery Clyde Duffey, Claude E. Hundley, III, Kesa M. Johnston and Martha Jane Patton. He stated that Ms. Bennett and Mr. Hundley were currently serving as at-large commissioners. He further stated that the Executive Council recommends that Ms. Bennett and Mr. Hundley be appointed to three year terms and that Ms. Kesa Johnston be appointed to fill the third position. Commissioner Broome made comments on Ms. Johnston's behalf as her mentor in the mentoring program. Commissioner Kitchens also spoke on her behalf.

President Gale asked if there were any additional nominations from the floor.

COMMISSIONER STEPHENS (HAROLD) MOVED THAT NOMINATIONS BE CLOSED AND THAT ALICIA BENNETT, CLAUDE E. HUNDLEY, III AND KESA M. JOHNSTON BE SELECTED AS AT-LARGE COMMISSIONERS FOR THREE YEAR TERMS COMMENCING JULY 1, 2007. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

16. ATTORNEY SECURED LEAVE POLICY

President Gale explained that the Quality of Life Task Force plans to meet with members of the Circuit Judges Association to discuss the secured leave policy. He stated that the committee was not yet ready to furnish a draft policy to the commission for its approval. Instead, the committee was seeking a sense of the commission in support of the concept in order to work with the judges to develop a suitable draft policy that would be acceptable to the bar and to the judiciary.

COMMISSIONER SPRUELL MOVED THAT THE BOARD OF BAR COMMISSIONERS BE ON RECORD AS FAVORING AN ATTORNEY SECURED LEAVE POLICY AND ENCOURAGING THE QUALITY OF LIFE TASK FORCE TO WORK WITH THE JUDICIARY IN DRAFTING A POLICY THAT WOULD BE ACCEPTABLE TO ALL. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

17. ELECTION OF BOARD OF BAR EXAMINER MEMBERS

President Gale stated that the terms of James Bradford of Birmingham and Malcolm Newman of Dothan had expired. He stated that each had indicated a willingness to be reappointed for another four year term. He further reported that two additional openings on the Board of Bar Examiners existed because of the expiration of the terms of Tommy Zieman of Mobile and Lanier Brown of Birmingham. He stated Robert Lockwood of Huntsville and Lee Pope of Birmingham had indicated a willingness to serve as examiners if appointed.

COMMISSIONER FAWAL MOVED THE RE-ELECTION OF JAMES BRADFORD AND MALCOLM NEWMAN AND THE ELECTION OF ROBERT LOCKWOOD AND LEE POPE TO THE BOARD OF BAR EXAMINERS FOR FOUR YEAR TERMS COMMENCING WITH THE JULY 2007 BAR EXAMINATION. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Gale publicly thanked Mr. Zieman and Mr. Brown for their service.

18. ABA HOUSE OF DELEGATES POSITION

President Gale noted that two delegate positions were up for election. He stated that one of the positions had to be a member of the Young Lawyers' Section (36 years of age or younger or in practice for five years or less). He informed the commission that the Young Lawyers' Section had recommended the election of Navan Ward of Montgomery to serve as the Alabama State Bar young lawyer to the ABA House of Delegates.

COMMISSIONER MCCALLUM MOVED THE ELECTION OF NAVAN WARD OF MONTGOMERY TO THE ABA HOUSE OF DELEGATES AS THE ALABAMA STATE BAR YOUNG LAWYER DELEGATE. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Gale stated next that the second spot was currently held by Commissioner White who had served one full term and who wished to serve another term. He reported that Ron Davis of Tuscaloosa had also been nominated. President Gale asked if there were any other nominations.

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

COMMISSIONER WHITE WAS EXCUSED FROM THE BOARD ROOM WHERE UPON PRESIDENT GALE ASKED FOR A SHOW OF HANDS FOR THE TWO CANDIDATES. COMMISSIONER WHITE WAS RE-ELECTED.

19. **LOCAL LAWYER RECOGNITION**

RESOLUTION

Honoring

PAIGE M. OLDSHUE

WHEREAS, Pagie M. Oldshue, practices law in Tuscaloosa, Alabama; and

WHEREAS, Ms. Oldshue has rendered outstanding service to her clients.

BE IT KNOWN THAT Ms. Oldshue coordinated an educational program for more than thirty Boy Scouts from Jasper and Tuscaloosa in observance of Law Day 2007. The program allowed the Boy Scouts to obtain their law merit badges. She recruited local lawyers to present information on topics such as introduction to the law, becoming an attorney, how judges are selected, an overview of state and federal law, indigent representation, criminal and civil matters, the role of law enforcement, consumer protection laws and creditor/debtor rights, environmental laws and computers and the Internet. In addition, the Boy Scouts and their leaders were able to observe a mock trial organized by Ms. Oldshue. The program was held at the Law Center at the University of Alabama; and

BE IT FURTHER KNOWN THAT Paige M. Oldshue has given her time and exceptional assistance to the Boy Scouts from Jasper and Tuscaloosa in furtherance of their endeavors and that her service epitomizes the Alabama State Bar's motto: **Lawyers Rendering Service.**

NOW, THEREFORE, BE IT RESOLVED that the Board of Bar Commissioners of the Alabama State Bar this day assembled pays its highest respect and expresses its deepest gratitude to Pagie M. Oldshue of the Tuscaloosa Bar for her service to the public and to the profession.

DONE this the 18th day of May, 2007.

20. ADJOURNMENT

President Gale 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.

Fournier J. Gale, III President
Alabama State Bar

ATTEST:

Keith B. Norman, Secretary
Alabama State Bar