

MINUTES

ALABAMA STATE BAR BOARD OF BAR COMMISSIONERS MEETING

State Bar Headquarters
Montgomery, Alabama

Friday, November 30, 2007

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 Board Room of the Alabama State Bar headquarters in Montgomery, Alabama. Commissioner Gullahorn gave the invocation.

2. ROLL CALL

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

Ronnie E. Keahey	Christy Crowe	J. Garrison Thompson
Randall S. Haynes	Cooper Shattuck	Alyce M. Spruell
John M. Gruenewald	Nicholas B. Roth	W. N. (Rocky) Watson
Anthony A. Joseph	S. Greg Burge	Jack Neal
Phillip McCallum	Greg Hawley	Joseph A. Fawal
Jim Pratt	William A. (Pete) Short	Albert J. Trousdale, II
William M. Cunningham	Billy C. Bedsole	Juan Ortega
James R. Beaird	Les Hayes, III	James H. Anderson
Cole Portis	Sim Penton	Lee H. Copeland
F. Michael Haney	K. Scott Stapp	John E. Medaris
Joseph A. Morris	Thomas B. Albritton	Harold Stephens
L. Thomas Ryan, Jr.	Richard J.R. Raleigh, Jr.	R. Wyatt Howell
Kenneth E. White, III	John C. Gullahorn	Tut Wynne
John M. Kennemer	Jason P. Knight	Roger Bedford, Jr.
Gerald R. Paulk	Wayman Sherrer	Walter E. McGowan
Pamela H. Bucy	Kelly T. Lee	

The following Commissioners were absent:

Michael E. Jones	Maibeth J. Porter	Robert E. Moorer
Richard W. Whittaker	Michael D. Knight	Mary Margaret Bailey
Donald R. Jones, Jr.	Robert L. Bowers, Jr.	Everette A. Price, Jr.
Ronald A. Strawbridge, Jr.	Allan Chason	Robert L. Rumsey
Elizabeth Parsons	Robert H. Brogden	David T. Hyde, Jr.
Timothy D. Littrell	Robert T. Meadows, III	Jere C. Trent
David F. Law	Claude E. Hundley, III	Deborah Byrd Walker
Merceria Ludgood	Alicia F. Bennett	Kyra Sparks
Kesa Johnston		

Also in attendance was President-elect Mark White. Staff members present included Tony McLain, Ed Patterson, Anita Hamlett, Laura Calloway, Brad Carr, Jeremy McIntire, Jeanne Marie Leslie and Sam Partridge. Also in attendance were Tracy Daniel of the Alabama Law Foundation and Judy Keegan of the Alabama Center for Dispute Resolution.

3. **INTRODUCTION OF GUESTS**

The following guests were introduced: Wes McCollum, President of the Lee County Bar Association; Neil Clay, President of the Bessemer Bar Association and George Parker, President of the Young Lawyers' Section.

4. **APPROVAL OF THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR OCTOBER 26, 2007**

President Crosby stated that the minutes of the Board of Commissioners meeting for October 26, 2007 had been disseminated to the board. He asked if there were any corrections, additions or deletions. There were none.

COMMISSIONER SHATTUCK MOVED TO APPROVE THE MINUTES OF THE BOARD OF COMMISSIONERS MEETING FOR OCTOBER 26, 2007. THE MOTION WAS SECONDED AND THE MINUTES WERE APPROVED BY UNANIMOUS VOICE VOTE.

5. **PUBLIC REPRIMANDS**

5.1. **Robert M. Pears, Montgomery, ASB 06-146 (A)**

Mr. Pears entered a conditional guilty plea and received a public reprimand without general publication for violating Rules 1.3 and 1.4 (a) of the *Alabama Rules of Professional Conduct*.

6. **SPECIAL PRESENTATION**

President Crosby recognized Commissioner Bedsole for a special inspirational presentation.

7. **PRESIDENT'S REPORT**

President Crosby reported that the Alabama Supreme Court had approved a PHV fee increase from \$100 to \$300. He next reported on the *Wills for Heroes* kick-off for the Birmingham area and thanked Commissioner Joseph for spearheading it. He reminded the Commissioners to write an article for the "Lawyers Serving Communities" campaign and to submit them to local newspapers. He stated that the January 25th commissioners' meeting would be held at the University of Alabama School of Law in Tuscaloosa. He called on Commissioner Spruell to discuss the planned activities. Finally, President Crosby asked commissioners to consider attending the Professionalism Consortium to be held at Cumberland School of Law on February 22. He noted that it was being held in cooperation with the Chief Justice's Commission on Professionalism. He stated that

members of the Board of Commissioners would be included among the limited number of bar leaders from across the state.

8. VOLUNTEER LAWYERS PROGRAM

Former Commissioner Tom Methvin and Commissioner Christy Crowe spoke about the Volunteer Lawyers Program and planned changes for the program. Mr. Methvin stated that efforts were underway to increase the roles of the state bar VLP from approximately 1,200 volunteers to 2,000. He noted that approximately 75 percent of the commissioners participated in the VLP and encouraged the other 25 percent to join the program. Mr. Methvin explained that an effort was being made to expand the program by increasing the number of referrals. To increase referrals, the program would add an intake technician to augment referrals received through Legal Services.

President Crosby thanked Mr. Methvin and Commissioner Crowe for their remarks.

9. SECRETARY'S REPORT

The Secretary stated that the Mobile Bar Association had forwarded memorial resolutions for Mylan R. Engle, John S. Gonas, John W. Sprinkle and Ellen T. Turner to be placed in the Alabama State Bar Book of Memorial Resolutions.

COMMISSIONER BEDSOLE MOVED THE ACCEPTANCE OF THE RESOLUTIONS RECEIVED FROM THE MOBILE BAR ASSOCIATION MEMORIALIZING MYLAN R. ENGLE, JOHN S. GONAS, JOHN W. SPRINKLE AND ELLEN T. TURNER FOR PLACEMENT IN THE ALABAMA STATE BAR BOOK OF MEMORIAL RESOLUTIONS. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

The Secretary concluded his remarks by stating that the state bar staff had adopted the Adullum House as its Christmas project.

10. COMMUNICATIONS UPDATE

There was no oral report.

11. PROGRAMS UPDATE

Ed Patterson informed the commission of the early success of the health insurance program which the commission approved as an endorsed member benefit program in September. Mr. Patterson then informed the commission about the mentoring program, noting that 126 had applied. Selection of the mentoring class for 2008 would take place in December. Mr. Patterson concluded by reporting on the bar leadership program. Commissioner Juan Ortega, a member of the selection committee, gave the Board of Commissioners an overview of the selection procedures and informed the commission of the selection committee's recommendations for participants in Class IV.

[The list of the participants is attached to these minutes as Appendix A.]

COMMISSIONER ORTEGA MOVED THE ACCEPTANCE OF THE INDIVIDUALS RECOMMENDED BY THE LEADERSHIP FORUM SELECTION COMMITTEE FOR

PARTICIPATION IN CLASS IV FOR 2008 ALONG WITH APPROPRIATE ALTERNATES. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

President Crosby thanked Mr. Patterson, Commissioner Ortega and the selection committee for its outstanding work.

12. OGC REPORT

There was no oral report.

13. JUDICIAL CAMPAIGN OVERSIGHT COMMITTEE REPORT

Ms. Connie Barker reported on the work of the Judicial Campaign Oversight Committee. It was noted that Judge Gordon, co-chair, was unable to attend because of a trial. President-elect White made several remarks concerning the campaign oversight committee's work and the experiences of other states, including Kentucky, that have recently set up similar oversight committees.

14. LEGISLATIVE UPDATE

President Crosby recognized Commissioner Roger Bedford who serves as a member of the Alabama State Senate and Representative Paul DeMarco. Both Commissioner Bedford and Representative DeMarco gave the Board of Commissioners an update on legislative matters for 2008. Following their remarks, President Crosby thanked both of them for their report and their work on behalf of the citizens of the State of Alabama.

15. JUDICIAL SCHOLARSHIP PROGRAM UPDATE

Mr. Stan Cash of Birmingham, a member of the Judicial Scholarship Program Committee, gave the commission an update on the program. He stated that the judges had been very appreciative of the state bar's help in raising funds for judges to assist in attending the National Judicial College in Reno. He reported that 15 judges had attended the judicial college and that unspent funds would be used to send other judges to the judicial college. President Crosby thanked Mr. Cash and the rest of the committee for their work.

16. MEMBER BENEFIT - INTERCALL

P-MAP Director Laura Calloway explained the audio, video and Web conferencing services available from Intercall and the favorable cost structure for lawyers who would be able to utilize these services as a member benefit. Mrs. Calloway answered several questions concerning the proposed member benefit plan.

17. COURT OF THE JUDICIARY VACANCY

President Crosby noted that the term of Billy Melton of Evergreen would expire in January 2008. He stated that Mr. Melton had expressed his willingness to continue to serve in this position if the commission was so inclined. President Crosby further stated that Mr. Melton's nomination and any other nominations made by the commission would be considered at the January meeting.

18. ALABAMA BROADCASTERS ASSOCIATION PARTNERSHIP

Director of Communications Brad Carr reported that the Public Relations Committee recommended the continuation of the partnership between the state bar and the Alabama Broadcasters Association for 2008. Mr. Carr said the cost of continuing the radio and TV announcements through the partnership was \$65,000.

19. INCREASE STIPEND FOR THE YOUNG LAWYERS' SECTION

The Secretary stated that the Young Lawyers' Section would be moving the Admission Ceremony to the new facilities at the convention center opening in February. He noted that as a result of moving from the Davis Theatre to the new facilities, the section would experience a sharp increase in facility and other costs. He reported that the section currently receives \$12,500 as a yearly stipend in quarterly payments to assist with its programs. The Secretary recommended that the section's stipend be increased by \$4,000 per annum. Young Lawyers' Section President, George Parker made additional commitments concerning the admission ceremony and moving to a newer and larger facility.

20. LEADERSHIP FORUM BUDGET INCREASE

The President reminded the commission that the Leadership Forum Financial Subcommittee had recommended a \$15,000 program allotment for the 2008 Leadership Forum. He asked if there were any questions.

COMMISSIONER FAWAL MOVED TO PROVIDE THE LEADERSHIP FORUM WITH A \$15,000 ALLOTMENT FOR 2008. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

21. TERM LIMITS FOR ABA HOUSE OF DELEGATES REMOVED

President Crosby stated that at the last meeting it had been recommended term limits (two consecutive two-year terms) for state bar delegates to the ABA House of Delegates be eliminated. He asked if there were any questions. There were none.

COMMISSIONER BEDSOLE MOVED THAT THE TERM LIMITS FOR STATE BAR DELEGATES ELECTED TO THE AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES BE ELIMINATED. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

22. RE-ELECTION OF BAR EXAMINERS

President Crosby stated that the four-year term for examiner Barry Ragsdale concluded with the admission of the July examinees and that the term for Lynn Reynolds would conclude with the admission of the February 2008 examinees. He stated that both had indicated a willingness to serve additional four-year terms. He noted that Mr. Ragsdale's new term would commence with the February 2008 bar exam and Ms. Reynolds's new term would commence with the July 2008 bar exam.

COMMISSIONER MCCALLUM MOVED THE REAPPOINTMENT OF BARRY RAGSDALE TO A FOUR-YEAR TERM COMMENCING WITH THE FEBRUARY 2008 BAR EXAMINATION AND LYNN REYNOLDS TO A NEW FOUR-YEAR TERM COMMENCING WITH THE JULY 2008 BAR EXAM. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

23. 2008 AWARD OF MERIT RECIPIENTS

President Crosby stated that it was recommended Beth Carmichael and Barbara Rhodes, long-time executive directors of the Birmingham and Mobile Bar Association, respectively, receive the Award of Merit for their many years of service to the legal profession. He stated that it was further recommended Millard Fuller, a native of Lanett and an Alabama State Bar member, receive the Award of Merit for his humanitarian efforts by founding Habitat for Humanity and the Fuller Center for Housing.

COMMISSIONERS BEDSOLE AND JOSEPH JOINTLY MOVED THE ADOPTION OF A MOTION TO AWARD BETH CARMICHAEL, EXECUTIVE DIRECTOR OF THE BIRMINGHAM BAR ASSOCIATION, BARBARA RHODES, EXECUTIVE DIRECTOR OF THE MOBILE BAR ASSOCIATION, AND ALABAMA STATE BAR MEMBER MILLARD FULLER THE ALABAMA STATE BAR AWARD OF MERIT FOR 2008. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

24. COMMISSIONERS' AWARDS FOR 2008

President Crosby stated that it was recommended that Fred Gary and Morris Dees each receive the Commissioners' Award for 2008 for their long and storied civil rights careers.

COMMISSIONER PRATT MOVED THE ADOPTION OF A MOTION TO AWARD FRED D. GRAY AND MORRIS DEES THE COMMISSIONERS' AWARD FOR 2008. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

25. RULE III APPLICANTS

President Crosby stated that Barry William Andrews, a member of the Ohio State Bar and Kristin Elizabeth Ballinger, a member of the Washington State Bar, submitted their applications to be admitted by motion under Rule III of the *Alabama State Bar Rules Governing Admission*. He stated that Mr. Andrews and Ms. Ballinger's applications were complete in all respects including their character and fitness reports.

COMMISSIONER BEDSOLE MOVED THE ADMISSION OF BARRY WILLIAM ANDREWS, A MEMBER OF THE OHIO STATE BAR AND KRISTIN ELIZABETH BALLINGER, A MEMBER OF THE WASHINGTON STATE BAR, UNDER RULE III OF THE *ALABAMA STATE BAR RULES GOVERNING ADMISSION*. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

26. LEGISLATIVE COUNSEL

The Secretary recommended that the contract with Tom McGregor to serve as legislative counsel for the 2008 legislative year be approved. He stated that the contract amount would not change but remain the same as the previous year.

COMMISSIONER HAWLEY MOVED THE APPROVAL OF THE CONTRACT BETWEEN THE ALABAMA STATE BAR AND TOM MCGREGOR AS LEGISLATIVE COUNSEL FOR 2008 LEGISLATIVE YEAR. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

27. AMENDMENT OF THE BAR EXAMINATION FEE STATUTE

The Secretary reported that a bar exam fee increase was needed. He stated that in order to increase the fee it was necessary to amend § 34-3-3, *Code of Alabama* (1975) which governs the amount the bar can charge for bar examination fees. The Secretary noted that the current bar exam was capped at \$400 and that in FY 2006-07, the bar exam and other related fees were not sufficient to cover the cost of the bar's admissions department. He recommended that the bar examination fee cap in the statute be set at no less than \$1,000 and that the amount the fee can be increased in any one year be raised from the current \$25 to \$100.

COMMISSIONER SPRUELL MOVED TO AUTHORIZE THE SECRETARY TO PURSUE AN AMENDMENT OF § 34-3-3, *CODE OF ALABAMA* (1975) TO INCREASE THE BAR EXAMINATION FEE CAP TO NOT LESS THAN \$1,000 AND INCREASE THE ANNUAL CAP FROM \$25 TO NO MORE THAN \$100. THE MOTION WAS SECONDED AND APPROVED BY VOICE VOTE.

28. 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

